

# City of Kelowna

## Regular Council Meeting

### AGENDA



Monday, September 9, 2019

1:30 pm

Council Chamber

City Hall, 1435 Water Street

Pages

#### 1. Call to Order

I would like to acknowledge that we are gathered today on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

This meeting is open to the public and all representations to Council form part of the public record. A live audio and video feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

#### 2. Confirmation of Minutes

4 - 33

Regular PM Meeting - August 26, 2019

#### 3. Development Application Reports & Related Bylaws

##### 3.1 298 Cornish Road, A19-0009 - Balwinder S. Baring Harpreet K. Baring, Sukhwinder S. Baring, Gurpreet K. Baring

34 - 69

To consider a non-adhering residential use application to allow a principal residence with total floor area greater than 500m<sup>2</sup> (653m<sup>2</sup>) on the property located at 298 Cornish Road.

##### 3.2 Barnaby Rd 779, Z19-0094 - Jordan Alexander Menzies

70 - 75

To consider an application to rezone the subject property to facilitate the development of two dwelling housing.

##### 3.3 Barnaby Rd 779, BL11925 (Z19-0094) - Jordan Alexander Menzies

76 - 76

To give first reading to Bylaw No.11925 to rezone the subject property from the RR2 – Rural Residential 2 zone to the RU6 – Two Dwelling Housing zone.

##### 3.4 Ethel St 2483, Z19-0066 - Uri Yarkoni

77 - 82

To consider an application to rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to facilitate an additional single family dwelling on the subject property.

<b>3.5</b>	<b>Ethel St 2483, BL11927 (Z19-0066) - Uri Yarkoni</b>	<b>83 - 83</b>
	To give first reading to Bylaw No. 11927 to rezone the subject property from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.	
<b>3.6</b>	<b>Gordon Dr 4309, Z19-0099 - Helga Schouten</b>	<b>84 - 87</b>
	To consider an application to rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone to facilitate the development of a carriage house.	
<b>3.7</b>	<b>Gordon Dr 4309, BL11930 (Z19-0099) - Helga Schouten</b>	<b>88 - 88</b>
	To give first reading to Bylaw No. 11930 to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1C - Large Lot Housing with Carriage House zone.	
<b>3.8</b>	<b>Fisher Road 1929, Z19-0101 - B.H.K.T. Holdings Ltd., Inc.No. BCo751350 and Sukhdev Gill</b>	<b>89 - 98</b>
	To consider an application to rezone the subject property from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone to facilitate the subdivision of the land.	
<b>3.9</b>	<b>Fisher Road 1929, BL11931 (Z19-0101) - B.H.K.T. Holdings Ltd., Inc.No. BCo751350 and Sukhdev Gill</b>	<b>99 - 99</b>
	To give first reading to Bylaw No. 11931 to rezone the subject property from the A1 - Agriculture zone to the RU1 - Large Lot Housing zone.	
<b>3.10</b>	<b>South Ridge Dr 5008, BL11576 (Z17-0014) - Emil Anderson Construction Co.</b>	<b>100 - 101</b>
	To rescind all three readings given to Rezoning Bylaw No. 11576 and direct staff to close the file.	
<b>3.11</b>	<b>Montgomery Rd 475-495, BL11629 (Z18-0037) - Subash Singla, Daniel Singla, Gautam Goel, Vincent Arockiasamy, Renu Aggarwal and Meenakshi Singla</b>	<b>102 - 104</b>
	To rescind all three readings given to Rezoning Bylaw No. 11629 and direct staff to close the file.	

#### **4. Bylaws for Adoption (Development Related)**

<b>4.1</b>	<b>Ethel St 1675 &amp; 1685, BL11818 (TA19-0006) - Petel Properties Inc., Inc.No. Aoo69509</b>	<b>105 - 105</b>
	To adopt Bylaw No. 11818 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.	

**5. Non-Development Reports & Related Bylaws**

**5.1 Zoning Bylaw Updates and Public Engagement Process 106 - 120**

To provide Council with an update of the proposed zoning bylaw amendments and upcoming public engagement scheduled for Fall 2019.

**5.2 Amendment Bylaw No. 11918 to Business Licence Bylaw No. 7878 121 - 122**

To adopt Business Licence Amendment Bylaw No. 11918 – Amendment No. 18 to Business Licence and Regulation Bylaw No. 7878.

**5.3 BL11918 - Amendment No. 18 to Business Licence and Regulation Bylaw No. 7878 123 - 145**

To adopt Bylaw No. 11918 in order to amend Business Licence Bylaw No. 7878

**6. Mayor and Councillor Items**

**7. Termination**



## City of Kelowna Regular Council Meeting Minutes

Date: Monday, August 26, 2019  
 Location: Council Chamber  
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors, Ryan Donn, Gail Given, Charlie Hodge, Brad Sieben, Mohini Singh, Luke Stack\* and Loyal Wooldridge

Members Absent Councillor Maxine DeHart

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Urban Planning and Development Policy Manager, Laura Bentley\*; Suburban and Rural Planning Manager, Dean Strachan\*; Urban Planning, Jenna Ratzlaff\*; Divisional Director, Planning & Development Services, Ryan Smith\*; Deputy City Manager, Joe Creron\*; Water Quality & Customer Care Supervisor, Ed Hoppe\*; Planner, Lauren Sanbrooks\*; Long Range Policy Planning Manager, James Moore\*; Integrated Transportation Department Manager, Raphael Villarreal\*; Development Services Director, Mo Bayat\*; Business License Manager, Greg Wise\*; Information Services, Nicole Kelly\*; Transit Service Coordinator, Mike Kittmer\*; Transit and Programs Manager, Jerry Dombowsky\*; Financial Analyst, Matt Friesen\*; Legislative Coordinator (Confidential), Arlene McClelland

(\* Denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 1:33 p.m.

I would like to acknowledge that we are gathered today on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

Mayor Basran advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio and video feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

### 2. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R802/19/08/26 THAT the Minutes of the Regular Meetings of August 12, 2019 be confirmed as circulated.

Carried



### 3. Development Application Reports & Related Bylaws

#### 3.1 Leader Rd, 3019, A19-0003 - Trine and Ryan Markewich

Staff:

- Displayed a PowerPoint Presentation summarizing the application and providing rationale for non-support of the application and responded to questions from Council.

Ryan Markewich, Applicant

- Displayed an aerial photograph of the subject property.
- Spoke to current land uses on the property indicating the number of acres per type of use.
- The landscaping business on site was never meant to be a big business; we have learned to operate successfully and do not need to grow or scale up the business.
- If we decide to scale up the business, it will be for the nursery portion.
- Spoke to the future of the landscaping business and employee ownership opportunities.
- Advised that the residential home on site was built in the 1970's; future plan is to hopefully build off the farm house for living quarters.
- Responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Sieben

**R803/19/08/26** THAT Agricultural Land Reserve Appeal No. A19-0003 for Lot A, Section 16, DL 131, Township 26, ODYD, Plan KAP61419, located at 3019 Leader Road Kelowna, BC, for a non-farm use in the Agricultural Land Reserve pursuant to Section 20.1(2)(a) of the Agricultural Land Commission Act attached as 'Schedule A' to the Report from the Development Planning Department dated August 26th 2019 be supported by Council;

AND FURTHER THAT Council directs Staff to forward the subject application to the Agricultural Land Commission for consideration.

Carried

#### 3.2 to 3.29 Land Use Contract Terminations

Staff:

- Displayed a PowerPoint Presentation summarizing the Land Use Contract Termination process and associated rezoning process for items 3.2 to 3.29.

City Clerk:

- Suggested that in this case only to waive the 50 meter notification for mail out of the Land Use Contract Terminations as this is an administrative exercise and no land use change is occurring on parcels and to reduce any confusion.

Moved By Councillor Given/Seconded By Councillor Hodge

**R804/19/08/26** THAT Council waives the 50 meter notification mail out of Land Use Contract Terminations.

Carried

#### 3.2 Bolotzky Ct, Chepesuik Ct and Milex Ct, LUCT19-0008 - Various Owners

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor Hodge

**R805/19/08/26** WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;  
THEREFORE, BE IT RESOLVED THAT as the underlying RU6 – Two Dwelling Housing zone in the City of Kelowna Zoning Bylaw No. 8000 applies to all subject properties under Land Use Contract LUC76-1077;

THAT Application No. LUCT19-0008 to terminate LUC76-1077 from properties identifies in 'Schedule A', located on Bolotzky Court, Chepesuik Court, and Milex Court, Kelowna, B.C. be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public hearing for further Consideration.

Carried

### **3.2.1 Bolotzky Ct, Chepesuik Ct and Milex Ct, LUCT19-0008 (BL11860) - Various Owners**

Moved By Councillor Singh/Seconded By Councillor Hodge

R806/19/08/26 THAT Bylaw No. 11860 receive first reading.

Carried

### **3.3 Ufton Ct 1640, 1660, 1665, and 1685, LUCT19-0030 - Multiple Owners**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Sieben

R807/19/08/26 WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RM5 – Medium Density Multiple Housing zone in the City of Kelowna Zoning Bylaw No. 8000 applies to all subject properties under Land Use Contract LUC73-116;

THAT Application No. LUCT19-0030 to terminate LUC73-116 from properties identifies in 'Schedule A', located on Ufton Court, Kelowna, B.C. be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public hearing for further Consideration.

Carried

### **3.3.1 Ufton Ct 1640, 1660, 1665, and 1685, LUCT19-0030 (BL11861) - Multiple Owners**

Moved By Councillor Hodge/Seconded By Councillor Singh

R808/19/08/26 THAT Bylaw No. 11861 receive first reading.

Carried



### 3.4 Noble Ct 1565 (Units 101-213), LUCT19-0009 - Multiple Owners

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Hodge/Seconded By Councillor Given

**R809/19/08/26** WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RM5 – Medium Density Multiple Housing zone in the City of Kelowna Zoning Bylaw No. 8000 applies to all subject properties under Land Use Contract LUC77-1009;

THAT Application No. LUCT19-0009 to terminate LUC77-1009 from properties identifies in 'Schedule A', located at 1565 Noble Court, Kelowna, B.C. be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public hearing for further Consideration.

Carried

#### 3.4.1 Noble Ct 1565 (Units 101-213), LUCT19-0009, (BL11864) - Multiple Owners

Moved By Councillor Hodge/Seconded By Councillor Donn

**R810/19/08/26** THAT Bylaw No. 11864 receive first reading.

Carried

### 3.5 Rowcliffe Ave 555 (Units 101-408), LUCT19-0012 - Multiple Owners

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Singh

**R811/19/08/26** WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RM5 – Medium Density Multiple Housing zone in the City of Kelowna Zoning Bylaw No. 8000 applies to all subject properties under Land Use Contract LUC77-1077;

THAT Application No. LUCT19-0012 to terminate LUC77-1077 from properties identifies in 'Schedule A', located at 555 Rowcliffe Avenue, Kelowna, B.C. be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public hearing for further Consideration.

Carried

**3.5.1 Rowcliffe Ave 555 (Units 101-408), LUCT19-0012 (BL11865) - Multiple Owners**

Moved By Councillor Singh/Seconded By Councillor Hodge

R812/19/08/26 THAT Bylaw No. 11865 receive first reading.

Carried

**3.6 Lester Rd 500 (Units 1-18), LUCT19-0011 - Multiple Owners**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor Wooldridge

R813/19/08/26 WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RM3 – Low Density Multiple Housing zone in the City of Kelowna Zoning Bylaw No. 8000 applies to all subject properties under Land Use Contract LUC77-1016;

THAT Application No. LUCT19-0011 to terminate LUC77-1016 from properties identifies in 'Schedule A', located at 500 Lester Road, Kelowna, B.C. be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public hearing for further Consideration.

Carried

**3.6.1 Lester Rd 500 (Units 1-18), LUCT19-0011 (BL11874) - Multiple Owners**

Moved By Councillor Hodge/Seconded By Councillor Singh

R814/19/08/26 THAT Bylaw No. 11874 receive first reading.

Carried

**3.7 Jaud Rd and Mathews Rd, LUCT19-0004 - Multiple Owners**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor Hodge

**R815/19/08/26** WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RR1 – Rural Residential 1 and RR3 – Rural Residential 3 zones in the City of Kelowna Zoning Bylaw No. 8000 applies to all subject properties under Land Use Contract LUC76-1105;

THAT Application No. LUCT19-0004 to terminate LUC76-1105 from properties identifies in 'Schedule A', located on Mathews Road and Jaud Road, Kelowna, B.C. be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public hearing for further Consideration.

Carried

### **3.7.1 Jaud Rd and Mathews Rd, LUCT19-0004 (BL11891) - Multiple Owners**

Moved By Councillor Singh/Seconded By Councillor Hodge

**R816/19/08/26** THAT Bylaw No. 11891 receive first reading.

Carried

### **3.8 Houghton Rd 720, LUCT19-0025 - The Father de Lestre Housing Society**

Staff:

- Displaying a PowerPoint Presentation summarizing the application.

Moved By Councillor Sieben/Seconded By Councillor Donn

**R817/19/08/26** WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RM3 – Low Density Multiple Housing zone in the City of Kelowna Zoning Bylaw No. 8000 applies to the subject property under Land Use Contract LUC73-14;

THAT Application No. LUCT19-0025 to terminate LUC73-14 from Lot 2, Section 27, Township 26, ODYD, Plan KAP24794, located at 720 Houghton Road, Kelowna, B.C. be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public hearing for further Consideration.

Carried



**3.8.1 Houghton Rd 720, LUCT19-0025 (BL11904) - The Father de Lestre Housing Society**

Moved By Councillor Hodge/Seconded By Councillor Singh

R818/19/08/26 THAT Bylaw No. 11904 receive first reading.

Carried

**3.9 Pacific Ct 1950-1960 and 1955, LUCT19-0013 - Multiple Owners**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor Stack

R819/19/08/26 WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RM5 – Medium Density Multiple Housing zone in the City of Kelowna Zoning Bylaw No. 8000 applies to all subject properties under Land Use Contract LUC76-1094;

THAT Application No. LUCT19-0012 to terminate LUC76-1094 from properties identifies in 'Schedule A', located at 1950-1960 and 1955 Pacific Court, Kelowna, B.C. be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public hearing for further Consideration.

Carried

**3.9.1 Pacific Ct 1950-1960 and 1955, LUCT19-0013 (BL11905) - Multiple Owners**

Moved By Councillor Singh/Seconded By Councillor Hodge

R820/19/08/26 THAT Bylaw No. 11905 receive first reading.

Carried

**3.10 Burtch Rd 1920, LUCT19-0026 - Kelowna Japanese Canadian Community Senior Citizens Society**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Singh

R821/19/08/26 WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RM3 – Low Density Multiple Housing zone in the City of Kelowna Zoning Bylaw No. 8000 applies to all subject property under Land Use Contract LUC77-1050;

THAT Application No. LUCT19-0026 to terminate LUC77-1050 from Lot A, District Lot 137, ODYD, Plan KAP29189, located at 1920 Burtch Road, Kelowna, B.C. be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public hearing for further Consideration.

Carried

**3.10.1 Burtch Rd 1920, LUCT19-0026 (BL11908) - Kelowna Japanese Canadian Community Senior Citizens Society**

Moved By Councillor Singh/Seconded By Councillor Hodge

R822/19/08/26 THAT Bylaw No. 11908 receive first reading.

Carried

**3.11 Franklyn Rd, All Star Ct, Leathead Rd and Houghton Rd, LUCT19-0031 and Z19-0097 - Multiple Owners**

Councillor Stack declared a conflict of interest as his employer operates 108 units in the immediate area and departed the meeting at 2:35 pm.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Wooldridge

R823/19/08/26 WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RM3 – Low Density Multiple Housing zone for the subject properties under Land Use Contract LUC72-7a outlined in 'Schedule A' does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT 19-0031 to terminate LUC72-7a from properties identified in 'Schedule A', located on Franklyn Road, All Star Court, Leathead Road, and Houghton Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0097 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for the subject properties identified in 'Schedule B', located on Franklyn Road, All Star Court, Leathead Road, and Houghton Road, Kelowna, BC from the RM3 – Low Density Multiple Housing zone to RM5 – Medium Density Multiple Housing zone be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council, in accordance with the *Local Government Act* s.464(2), waive the Public Hearing for Zoning Bylaw No. 11859;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of Ministry of Transportation and Infrastructure.

Carried

**3.11.1 Franklyn Rd, All Star Ct, Leathead Rd and Houghton Rd, LUCT19-0031 (BL11858) - Multiple Owners**

Moved By Councillor Singh/Seconded By Councillor Hodge

R824/19/08/26 THAT Bylaw No. 11858 receive first reading.

Carried

**3.11.2 Franklyn Rd, All Star Ct, Leathead Rd and Houghton Rd, Z19-0097 (BL11859) - Multiple Owners**

Moved By Councillor Hodge/Seconded By Councillor Donn

R825/19/08/26 THAT Bylaw No. 11859 receive first reading.

Carried

Councillor Stack returned to the meeting at 2:36 p.m.

**3.12 Bartholomew Ct and Crawford Rd, LUCT19-0001 and Z19-0074 - Multiple Owners**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R826/19/08/26 WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying A1 – Agriculture 1 zone for the subject properties under Land Use Contract LUC76-1035 outlined in 'Schedule A' does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT19-0001 to terminate LUC76-1035 from properties identified in 'Schedule A', located on Bartholomew Court and Crawford Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0074 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for properties identified in 'Schedule B', located on Bartholomew Court, Kelowna, BC from the A1 – Agriculture 1 zone to RU1 – Large Lot Housing be considered by Council;



AND THAT Rezoning Application No. Z19-0074 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for properties identified in 'Schedule C', located on Bartholomew Court and Crawford Road, Kelowna, BC from the A1 – Agriculture 1 zone to RR2 – Rural Residential 2 be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT Council, in accordance with the *Local Government Act* s.464(2), waive the Public Hearing for Zoning Bylaw No. 11873.

Carried

**3.12.1 Bartholomew Ct and Crawford Rd LUCT19-0001 (BL11872) - Multiple Owners**

Moved By Councillor Hodge/Seconded By Councillor Singh

R827/19/08/26 THAT Bylaw No. 11872 receive first reading.

Carried

**3.12.2 Bartholomew Ct and Crawford Rd, Z19-0074 (BL11873) - Multiple Owners**

Moved By Councillor Singh/Seconded By Councillor Hodge

R828/19/08/26 THAT Bylaw No. 11873 receive first reading.

Carried

**3.13 Sutcliffe Ct and Hartman Rd, LUCT19-0006 and Z19-0077 - Multiple Owners**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor Stack

R829/19/08/26 WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RR3 – Rural Residential 3 zone for the subject properties under Land Use Contract LUC76-1043 outlined in 'Schedule A' does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT 19-0006 to terminate LUC76-1043 from properties identified in 'Schedule A', located on Sutcliffe Court and Hartman Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0077 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for the subject properties identified in 'Schedule B', located on Sutcliffe Court and Hartman Road, Kelowna, BC from the RR3 – Rural Residential 3 zone to RU1 – Large Lot Housing zone be considered by Council;

AND THAT Rezoning Application No. Z19-0077 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for the subject property identified in 'Schedule C', located on Hartman Road, Kelowna, BC from the RR3 – Rural Residential 3 zone to P3 – Park & Open Space zone be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT Council, in accordance with the *Local Government Act* s.464(2), waive the Public Hearing for zoning Bylaw No. 11876.

Carried

### **3.13.1 Sutcliffe Ct and Hartman Rd, LUCT19-0006 (BL11875) - Multiple Owners**

Moved By Councillor Hodge/Seconded By Councillor Singh

R830/19/08/26 THAT Bylaw No. 11875 receive first reading.

Carried

### **3.13.2 Sutcliffe Ct and Hartman Rd, Z19-0077 (BL11876) - Multiple Owners**

Moved By Councillor Hodge/Seconded By Councillor Singh

R831/19/08/26 THAT Bylaw No. 11876 receive first reading.

Carried

### **3.14 Hwy 33 E 290, LUCT19-0010 and Z19-0079 - Multiple Owners**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Wooldridge/Seconded By Councillor Given

R832/19/08/26 WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RU1 – Large Lot Housing zone for the subject property under Land Use Contract LUC76-20 outlined in 'Schedule A' does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT 19-0010 to terminate LUC76-20 from properties identified in 'Schedule A', located at 290 Highway 33 East, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0079 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for the subject property identified in 'Schedule B', located at 290 Highway 33 East, Kelowna, BC from the RU1 – Large Lot Housing zone to RM3 – Low Density Multiple Housing be considered by Council;



AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council, in accordance with the *Local Government Act* s.464(2), waive the Public Hearing for Zoning Bylaw No. 11878;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of Ministry of Transportation and Infrastructure.

**Carried**

**3.14.1 Highway 33 East 290 (Units 101-215), LUCT19-0010 (BL11877) - Multiple Owners**

Moved By Councillor Hodge/Seconded By Councillor Singh

**R833/19/08/26** THAT Bylaw No. 11877 receive first reading.

**Carried**

**3.14.2 Highway 33 East 290 (Units 101-215), Z19-0079 (BL11878) - Multiple Owners**

Moved By Councillor Singh/Seconded By Councillor Hodge

**R834/19/08/26** THAT Bylaw No. 11878 receive first reading.

**Carried**

**3.15 Inkcar Rd 1481, LUCT19-0014 and Z19-0082 - Multiple Owners**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor Donn

**R835/19/08/26** WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RU6 – Two Dwelling Housing zone for the subject properties under Land Use Contract LUC77-1008 outlined in 'Schedule A' does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT 19-0014 to terminate LUC77-1008 from properties identified in 'Schedule A', located at 1481 Inkcar Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0082 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for the subject property identified in 'Schedule B', located at 1481 Inkcar Road, Kelowna, BC from the RU6 – Two Dwelling Housing zone to RM3 – Low Density Multiple Housing be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council, in accordance with the *Local Government Act* s.464(2), waive the Public Hearing for zoning Bylaw No. 11880;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of Ministry of Transportation and Infrastructure.

Carried

### **3.15.1 Inkar Rd1481 (Units 1-21), LUCT19-0014 (BL11879) - Multiple Owners**

Moved By Councillor Stack/Seconded By Councillor Donn

R836/19/08/26 THAT Bylaw No. 11879 receive first reading.

Carried

### **3.15.2 Inkar Rd1481 (Units 1-21), Z19-0082 (BL11880) - Multiple Owners**

Moved By Councillor Donn/Seconded By Councillor Stack

R837/19/08/26 THAT Bylaw No. 11880 receive first reading.

Carried

### **3.16 Scenic Rd 2161, LUCT19-0015 and Z19-0083 - Multiple Owners**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R838/19/08/26 WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying A1 – Agriculture 1 zone for the subject properties under Land Use Contract LUC78-1009 outlined in 'Schedule A' does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT 19-0015 to terminate LUC78-1009 from properties identified in 'Schedule A', located at 2161 Scenic Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0083 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for the subject property identified in 'Schedule B', located at 2161 Scenic Road, Kelowna, BC from the A1 – Agriculture 1 zone to RM3 – Low Density Multiple Housing be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT Council, in accordance with the *Local Government Act* s.464(2), waive the Public Hearing for Zoning Bylaw No. 11882.

Carried

### 3.16.1 Scenic Rd, LUCT19-0015, (BL11881) - Multiple Owners

Moved By Councillor Stack/Seconded By Councillor Donn

R839/19/08/26 THAT Bylaw No. 11881 receive first reading.

Carried

### 3.16.2 Scenic Rd, Z19-0083, (BL11882) - Multiple Owners

Moved By Councillor Donn/Seconded By Councillor Stack

R840/19/08/26 THAT Bylaw No. 11882 receive first reading.

Carried

### 3.17 Toovey Rd 1265, LUCT19-0007 and Z19-0093 - Roger Hamm

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor Sieben

R841/19/08/26 WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RR3 – Rural Residential 3 zone for the subject properties under Land Use Contract LUC78-1033 outlined in 'Schedule A' does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT 19-0007 to terminate LUC78-1033 from Lot A, Section 13, Township 26, ODYD, Plan 38165, located at 1265 Toovey Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0093 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for Lot A, Section 13, Township 26, ODYD, Plan 38165, located at 1265 Toovey Road, Kelowna, BC from the RR3 – Rural Residential 3 zone to RU1 – Large Lot Housing zone be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council, in accordance with the *Local Government Act* s.464(2), waive the Public Hearing for zoning Bylaw No. 11909;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of Ministry of Transportation and Infrastructure.

Carried



**3.17.1 Toovey Rd 1265, LUCT19-0007 (BL11885) - Roger Hamm**

Moved By Councillor Stack/Seconded By Councillor Donn

R842/19/08/26 THAT Bylaw No. 11885 receive first reading.

Carried

**3.17.2 Toovey Rd 1265, Z19-0093 (BL11909) - Roger Hamm**

Moved By Councillor Donn/Seconded By Councillor Stack

R843/19/08/26 THAT Bylaw No. 11909 receive first reading.

Carried

**3.18 Belgo Rd 1502, 1512, 1522 LUCT19-0003 and Z19-0076 - Multiple Owners**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Wooldridge/Seconded By Councillor Given

R844/19/08/26 WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RU1 – Large Lot Housing zone for the subject properties under Land Use Contract LUC76-1067 outlined in 'Schedule A' does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT 19-0003 to terminate LUC76-1067 from properties identified in 'Schedule A', located on Belgo Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0076 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for the property identified in 'Schedule B', located on Belgo Road, Kelowna, BC from the RU1 – Large Lot Housing zone to RR2 – Rural Residential 2 be considered by Council;

AND THAT Rezoning Application No. Z19-0076 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for properties identified in 'Schedule C', located on Belgo Road, Kelowna, BC from the RU1 – Large Lot Housing zone to RR3 – Rural Residential 3 be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council, in accordance with the *Local Government Act* s.464(2), waive the Public Hearing for zoning Bylaw No. 11910;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of Ministry of Transportation and Infrastructure.

Carried

### 3.18.1 Belgo Rd, 1502, 1512 and 1522, LUCT19-0003 (BL11886) - Multiple Owners

Moved By Councillor Donn/Seconded By Councillor Stack

R845/19/08/26 THAT Bylaw No. 11886 receive first reading.

Carried

### 3.18.2 Belgo Rd, 1502, 1512 and 1522, Z19-0076 (BL11910) - Multiple Owners

Moved By Councillor Stack/Seconded By Councillor Donn

R846/19/08/26 THAT Bylaw No. 11910 receive first reading.

Carried

### 3.19 Bedford Rd, LUCT19-0002 and Z19-0075 - Multiple Owners

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Hodge/Seconded By Councillor Given

R847/19/08/26 WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying A1 – Agriculture 1 zone for the subject properties under Land Use Contract LUC76-1110 outlined in 'Schedule A' does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT 19-0002 to terminate LUC76-1110 from properties identified in 'Schedule A', located on Bedford Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0075 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for the property identified in 'Schedule B', located on Bedford Lane, Kelowna, BC from the A1 – Agriculture 1 zone to RR1 – Rural Residential 1 be considered by Council;

AND THAT Rezoning Application No. Z19-0075 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for properties identified in 'Schedule C', located on Bedford Road, Kelowna, BC from the A1 – Agriculture 1 zone to RR3 – Rural Residential 3 be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT Council, in accordance with the *Local Government Act* s.464(2), waive the Public Hearing for Zoning Bylaw No. 11888.

Carried

### 3.19.1 Bedford Rd and Bedford Lane, LUCT19-0002 (BL11887) - Multiple Owners

Moved By Councillor Donn/Seconded By Councillor Stack

R848/19/08/26 THAT Bylaw No. 11887 receive first reading.

Carried

### 3.19.2 Bedford Rd and Bedford Lane, Z19-0075 (BL11888) - Multiple Owners

Moved By Councillor Stack/Seconded By Councillor Donn

R849/19/08/26 THAT Bylaw No. 11888 receive first reading.

Carried

### 3.20 Wallace Hill Rd and Spiers Rd, LUCT19-0005 and Z19-0080 - Multiple Owners

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor Hodge

R850/19/08/26 WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying A1 – Agriculture 1 zone for the subject properties under Land Use Contract LUC76-1059 outlined in 'Schedule A' does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT 19-0005 to terminate LUC76-1059 from properties identified in 'Schedule A', located on Spiers Road and Wallace Hill Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0080 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for the subject properties identified in 'Schedule B', located on Spiers Road and Wallace Hill Road, Kelowna, BC from the A1 - Agriculture zone to RR3 – Rural Residential 3 be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT Council, in accordance with the Local Government Act s.464(2), waive the Public Hearing for zoning Bylaw No. 11890.

Carried

### 3.20.1 Wallace Hill Rd and Spiers Rd, LUCT19-0005 (BL11889) - Multiple Owners

Moved By Councillor Stack/Seconded By Councillor Donn

R851/19/08/26 THAT Bylaw No. 11889 receive first reading.

Carried



### 3.20.2 Wallace Hill Rd and Spiers Rd, Z19-0005 (BL11890) - Multiple Owners

Moved By Councillor Donn/Seconded By Councillor Stack

R852/19/08/26 THAT Bylaw No. 11890 receive first reading.

Carried

### 3.21 Sutherland Ave 1421, LUCT19-0017 and Z19-0085 - Salco Management Ltd

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Wooldridge

R853/19/08/26 WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RM6 – High Rise Apartment Housing zone for Lot A, District Lot 137, ODYD, Plan KAP27186, located at 1421 Sutherland Avenue, Kelowna, BC, under Land Use Contract LUC78-1005 does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT 19-0017 to terminate LUC78-1005 from Lot A, District Lot 137, ODYD, Plan KAP27186, located at 1421 Sutherland Avenue, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0085 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for Lot A, District Lot 137, ODYD, Plan KAP27186, located at 1421 Sutherland Avenue, Kelowna, BC, from the RM6 – High Rise Apartment Housing zone to RM5 – Medium Density Multiple Housing be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council, in accordance with the *Local Government Act* s.464(2), waive the Public Hearing for zoning Bylaw No. 11893;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of Ministry of Transportation and Infrastructure.

Carried

### 3.21.1 Sutherland Ave 1421, LUCT19-0017 (BL11892) - Salco Management Ltd

Moved By Councillor Stack/Seconded By Councillor Sieben

R854/19/08/26 THAT Bylaw No. 11892 receive first reading.

Carried

### 3.21.2 Sutherland Ave 1421, Z19-0085 (BL11893) - Salco Management Ltd

Moved By Councillor Sieben/Seconded By Councillor Stack

R855/19/08/26 THAT Bylaw No. 11893 receive first reading.

Carried

### 3.22 Sutherland Ave 1247 LUCT19-0018 and Z19-0086 - JABS Construction Ltd

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor Stack

R856/19/08/26 WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RM3 – Low Density Multiple Housing zone for Lot A, District Lot 137, ODYD, Plan KAP29293, located at 1247 Sutherland Avenue, Kelowna, BC, under Land Use Contract LUC77-1086 does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT 19-0018 to terminate LUC77-1086 from Lot A, District Lot 137, ODYD, Plan KAP29293, located at 1247 Sutherland Avenue, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0086 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for Lot A, District Lot 137, ODYD, Plan KAP29293, located at 1247 Sutherland Avenue, Kelowna, BC, Kelowna, BC from the RM3 – Low Density Multiple Housing zone to RM5 – Medium Density Multiple Housing be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council, in accordance with the *Local Government Act* s.464(2), waive the Public Hearing for zoning Bylaw No. 11895;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of Ministry of Transportation and Infrastructure.

Carried

### 3.22.1 Sutherland Ave 1247, LUCT19-0018 (BL11894) - JABS Construction Ltd

Moved By Councillor Sieben/Seconded By Councillor Stack

R857/19/08/26 THAT Bylaw No. 11894 receive first reading.

Carried

### 3.22.2 Sutherland Ave 1247, Z19-0086 (BL11895) - JABS Construction Ltd

Moved By Councillor Stack/Seconded By Councillor Sieben

R858/19/08/26 THAT Bylaw No. 11895 receive first reading

Carried

### 3.23 Lawrence Ave 1110 LUCT19-0021 and Z19-0089 - 1110 Lawrence Holdings Ltd

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Singh/Seconded By Councillor Sieben

R859/19/08/26 WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RM3 – Low Density Multiple Housing zone for Lot 1, District Lot 137, ODYD, Plan KAP26370, located at 1110 Lawrence Avenue, Kelowna, BC, under Land Use Contract LUC K73-65 does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT 19-0021 to terminate LUC K73-65 from Lot 1, District Lot 137, ODYD, Plan KAP26370, located at 1110 Lawrence Avenue, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0089 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for Lot 1, District Lot 137, ODYD, Plan KAP26370, located at 1110 Lawrence Avenue, Kelowna, BC, Kelowna, BC from the RM3 – Low Density Multiple Housing zone to C4 – Urban Center Commercial zone be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council, in accordance with the *Local Government Act* s.464(2), waive the Public Hearing for Zoning Bylaw No. 11899;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of Ministry of Transportation and Infrastructure.

Carried

### 3.23.1 Lawrence Ave 1110, LUCT19-0021 (BL11898) - 1110 Lawrence Holdings Ltd

Moved By Councillor Stack/Seconded By Councillor Sieben

R860/19/08/26 THAT Bylaw No. 11898 receive first reading

Carried



### 3.23.2 Lawrence Ave 1110, Z19-0089 (BL11899) - 1110 Lawrence Holdings Ltd

Moved By Councillor Sieben/Seconded By Councillor Stack

**R861/19/08/26** THAT Bylaw No. 11899 receive first reading

Carried

### 3.24 Sutherland Ave 1431, 1441 LUCT19-0022 and Z19-0090 - Multiple Owners

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

**R862/19/08/26** WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RU6 – Two Dwelling Housing zone for the subject properties under Land Use Contract LUC75-26 outlined in 'Schedule A' does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT 19-0022 to terminate LUC75-26 from properties identified in 'Schedule A', located on Sutherland Avenue, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0090 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for the subject properties identified in 'Schedule B', located on Sutherland Avenue, Kelowna, BC from the RU6 – Two Dwelling Housing zone to RM5 – Medium Density Multiple Housing be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council, in accordance with the *Local Government Act* s.464(2), waive the Public Hearing for zoning Bylaw No. 11901;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of Ministry of Transportation and Infrastructure.

Carried

### 3.24.1 Sutherland Ave 1431 & 1441, LUCT19-0022, (BL11900) - Multiple Owners

Moved By Councillor Stack/Seconded By Councillor Sieben

**R863/19/08/26** THAT Bylaw No. 11900 receive first reading.

Carried

### 3.24.2 Sutherland Ave 1431 & 1441 Z19-0090, (BL11901) - Multiple Owners

Moved By Councillor Sieben/Seconded By Councillor Stack

R864/19/08/26 THAT Bylaw No. 11901 receive first reading.

Carried

### 3.25 Wilson Ave 894 LUCT19-0023 and Z19-0091 - H. Zamonsky Insurance Ltd

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

R865/19/08/26 WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RU7 – Infill Housing zone for Lot A, District Lot 138, ODYD, Plan KAP29862, located at 894 Wilson Avenue, Kelowna, BC, under Land Use Contract LUC77-1043 does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT19-0023 to terminate LUC77-1043 from Lot A, District Lot 138, ODYD, Plan KAP29862, located at 894 Wilson Avenue, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0091 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for Lot A, District Lot 138, ODYD, Plan KAP29862, located at 894 Wilson Avenue, Kelowna, BC, Kelowna, BC from the RU7 – Infill Housing zone to RM3 – Low Density Multiple Housing zone be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT Council, in accordance with the *Local Government Act*, s.464(2), waive the Public Hearing for Zoning Bylaw No. 11903.

Carried

### 3.25.1 Wilson Ave 894, LUCT19-0023 (BL11902) - H. Zamonsky Insurance Ltd

Moved By Councillor Stack/Seconded By Councillor Sieben

R866/19/08/26 THAT Bylaw No. 11902 receive first reading.

Carried

### 3.25.2 Wilson Ave 894, Z19-0091 (BL11903) - H. Zamonsky Insurance Ltd

Moved By Councillor Sieben/Seconded By Councillor Stack

R867/19/08/26 THAT Bylaw No. 11903 receive first reading.

Carried

### 3.26 Richter St 2949-2951 LUCT19-0024 and Z19-0092 - Wally Knopf

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor Donn

**R868/19/08/26** WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RU6 – Two Dwelling Housing zone for Lot 5, District Lot 135, ODYD, Plan KAP3632, located at 2949-2951 Richter Avenue, Kelowna, BC, under Land Use Contract LUC78-1001 does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT 19-0024 to terminate LUC77-1036 from Lot 5, District Lot 135, ODYD, Plan KAP3632, located at 2949-2951 Richter Avenue, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0092 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for Lot 5, District Lot 135, ODYD, Plan KAP3632, located at 2949-2951 Richter Avenue, Kelowna, BC, Kelowna, BC from the RU6 – Two Dwelling Housing zone to RM1 – Four Dwelling Housing zone be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT Council, in accordance with the *Local Government Act* s.464(2), waive the Public Hearing for Zoning Bylaw No. 11907.

Carried

#### 3.26.1 Richter St 2949-2951, LUCT19-0024 (BL11906) - Wally Knopf

Moved By Councillor Stack/Seconded By Councillor Donn

**R869/19/08/26** THAT Bylaw No. 11906 receive first reading.

Carried

#### 3.26.2 Richter St 2949-2951, Z19-0092 (BL11907) - Wally Knopf

Moved By Councillor Donn/Seconded By Councillor Stack

**R870/19/08/26** THAT Bylaw No. 11907 receive first reading.

Carried



**3.27 Hollywood Rd 520-528 LUCT19-0019 and Z19-0087 - Keycam Holdings Ltd., Inc. No. BC0914240**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor Wooldridge

**R871/19/08/26** WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying C1 – Local Commercial zone for Lot 2, Section 22 Township 26, ODYD, Plan KAP22192, located at 520-528 Hollywood Road South, Kelowna, BC, under Land Use Contract LUC78-1001 does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT 19-0019 to terminate LUC78-1001 from Lot 2, Section 22 Township 26, ODYD, Plan KAP22192, located at 520-528 Hollywood Road South, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0087 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for Lot 2, Section 22 Township 26, ODYD, Plan KAP22192, located at 520-528 Hollywood Road South, Kelowna, BC, Kelowna, BC from the C1 – Local Commercial zone to RM3 – Low Density Multiple Housing zone be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council, in accordance with the *Local Government Act* s.464(2), waive the Public Hearing for zoning Bylaw No. 11897;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of Ministry of Transportation and Infrastructure.

**Carried**

**3.27.1 Hollywood Rd S. 520-528, LUCT19-0019 (BL11896) - Keycam Holdings Ltd., Inc. No. BC0914240**

Moved By Councillor Sieben/Seconded By Councillor Stack

**R872/19/08/26** THAT Bylaw No. 11896 receive first reading.

**Carried**

**3.27.2 Hollywood Rd S. 520-528, Z19-0087 (BL11897) - Keycam Holdings Ltd., Inc. No. BC0914240**

Moved By Councillor Stack/Seconded By Councillor Sieben

**R873/19/08/26** THAT Bylaw No. 11897 receive first reading.

**Carried**

### 3.28 Springfield Rd 1050 and Gordon Dr 2040, LUCT19-0016 and Z19-0084 - Multiple Owners

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Wooldridge

**R874/19/08/26** WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RU6 – Two Dwelling Housing zone for the subject properties under Land Use Contract LUC77-1027 and LUC78-1030 outlined in 'Schedule A' does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT 19-0016 to terminate LUC77-1027 and LUC78-1030 from properties identified in 'Schedule A', located on Gordon Drive and Springfield Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0084 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for the subject properties identified in 'Schedule B', located on Springfield Road, Kelowna, BC from the RU6 – Two Dwelling Housing zone to RM3 – Low Density Multiple Housing be considered by Council;

AND THAT Rezoning Application No. Z19-0084 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for the subject property identified in 'Schedule C', located on Gordon Drive, Kelowna, BC from the RU6 – Two Dwelling Housing zone to RM5 – Medium Density Multiple Housing be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council, in accordance with the *Local Government Act* s.464(2), waive the Public Hearing for zoning Bylaw No. 11863;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of Ministry of Transportation and Infrastructure.

**Carried**

#### 3.28.1 Springfield Rd 1050 and Gordon Drive 2040, LUCT19-0016 (BL11862) - Multiple Owners

Moved By Councillor Stack/Seconded By Councillor Sieben

**R875/19/08/26** THAT Bylaw No. 11862 receive first reading.

**Carried**



### 3.28.2 Springfield Rd 1050 and Gordon Drive 2040, Z19-0084 (BL11863) - Multiple Owners

Moved By Councillor Sieben/Seconded By Councillor Stack

**R876/19/08/26** THAT Bylaw No. 11863 receive first reading

**Carried**

### 3.29 Pacific Ct 1912, 1915 LUCT19-0020 and Z19-0088 - Multiple Owners

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Donn/Seconded By Councillor Wooldridge

**R877/19/08/26** WHEREAS the BC Provincial Government has mandated that all Land Use Contracts under the jurisdiction of a local government and in the Province of British Columbia be terminated by 2024;

AND WHEREAS the BC Provincial Government has provided a legislated process for the early termination of land use contracts when the local government has adopted a zoning bylaw that will apply to the land at the time the termination bylaw comes into force;

THEREFORE, BE IT RESOLVED THAT as the underlying RM3 – Low Density Multiple Housing zone for the subject properties under Land Use Contract BL-3534 outlined in 'Schedule A' does not meet the land use requirements under City of Kelowna Zoning Bylaw No. 8000;

THAT Application No. LUCT 19-0020 to terminate BL-3534 from properties identified in 'Schedule A', located on Pacific Court, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0088 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for the subject properties identified in 'Schedule B', located on Pacific Court, Kelowna, BC from the RM3 – Low Density Multiple Housing zone to RM5 – Medium Density Multiple Housing zone be considered by Council;

AND THAT the Land Use Contract Termination Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council, in accordance with the *Local Government Act* s.464(2), waive the Public Hearing for Zoning Bylaw No. 11884;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of Ministry of Transportation and Infrastructure.

**Carried**

### 3.29.1 Pacific Ct 1912 & 1915, LUCT19-0020, (BL11883) - Multiple Owners

Moved By Councillor Donn/Seconded By Councillor Sieben

**R878/19/08/26** THAT Bylaw No. 11883 receive first reading.

**Carried**

### 3.29.2 Pacific Ct 1912 & 1915, Z19-0088 (BL11884) - Multiple Owners

Moved By Councillor Donn/Seconded By Councillor Sieben

**R879/19/08/26** THAT Bylaw No. 11884 receive first reading.

**Carried**

## 4. Non-Development Reports & Related Bylaws

### 4.1 Grant Award - Royal Bank of Canada Foundation BC

Staff:

- Provided an overview of the grant award from the Royal Bank of Canada.

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

**R880/19/08/26** THAT Council receive for information the report from Utility Services dated August 26, 2019, regarding a grant award from the Royal Bank of Canada (RBC) Foundation of BC;

AND THAT the Financial Plan be amended to include a \$25,000 grant awarded to the City of Kelowna on behalf of the Royal Bank of Canada (RBC) Foundation of BC as outlined in the grant award report dated August 26, 2019.

**Carried**

### 4.2 Grant Funding for Homelessness

Moved By Councillor Given/Seconded By Councillor Hodge

**R881/19/08/26** THAT Council receives for information the report from Active Living and Culture dated August 26, 2019, regarding grant funding for homelessness from the United Way Southern Interior BC;

AND THAT Council approves receiving the \$197,128.54, designated to address homelessness and related issues, from the United Way Southern Interior BC as outlined in the report dated August 26, 2019;

AND THAT Council supports a \$197,128.54 grant to the Central Okanagan Journey Home Society to support the Society's work of addressing homelessness in Kelowna;

AND THAT the Financial Plan be amended to include receiving and granting of this \$197,128.54.

**Carried**

### 4.3 Rental Housing Inventory

Staff:

- Displayed a PowerPoint Presentation summarizing the rental housing inventory for the City of Kelowna and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Singh

**R882/19/08/26** THAT Council receives, for information, the report from the Policy and Planning Department dated August 26, 2019, with respect to the Rental Housing Inventory;

AND THAT Council directs staff to investigate and engage on the proposed action items identified in the Rental Housing Inventory Implementation Table as outlined in the Rental Housing Inventory report dated August 26, 2019.

Carried

#### **4.4 Tall Wood Mass Timber Construction**

Staff:

- Displayed a PowerPoint Presentation providing an overview of the building code changes and responded to questions from Council.

Moved By Councillor Sieben/Seconded By Councillor Given

R883/19/08/26 THAT Council receives for information, the report from the Development Services Department dated August 26, 2019, regarding participation in the Early Adoption Initiative for Mass Timber Construction;

AND THAT Council direct staff to submit an Expression of Interest to the Office of Housing and Construction Standards within the Ministry of Municipal Affairs and Housing, for the Early Adoption Initiative for Mass Timber Construction.

Carried

#### **4.5 Business Licence and Regulation Bylaw No. 7878 Amendments**

Staff:

- Displayed a PowerPoint Presentation providing an overview of the amendments to the Business License and Regulation Bylaw and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Wooldridge

R884/19/08/26 THAT Council receives for information, the report from Business Licensing dated August 26, 2019, recommending that Council give reading consideration to BL11918 – Amendment No. 18 to the Business Licence and Regulation Bylaw No. 7878;

AND THAT BL11918 being Amendment No. 18 to the Business Licence and Regulation Bylaw No. 7878 be forwarded for reading consideration.

Carried

#### **4.6 BL11918 - Amendment No. 18 to Business Licence and Regulation Bylaw No. 7878**

Moved By Councillor Wooldridge/Seconded By Councillor Given

R885/19/08/26 THAT Bylaw No. 11918 be read a first, second and third time.

Carried

#### **4.7 Transit Improvement Program (TIP) 3-year MOU**

Staff:

- Displayed a PowerPoint Presentation providing an overview of the program and proposed memorandum of understanding and responded to questions from Council.

BC Transit Senior Manager, Government Relations, Chris Fudge

- Advised that the Kelowna system is the highest Tier 1 priority.
- Spoke to physical constraints on operations imposed by the current transit facility.



- Continuing the search for an appropriate transit location.
- Responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Singh

**R886/19/08/26** THAT Council receives for information, the report from the Transit and Programs Manager dated August 26, 2019, with respect to the Transit Improvement Program (TIP) 3-year Memorandum of Understanding (MOU);

AND THAT Council authorizes the Mayor and City Clerk to execute the 3-year Memorandum of Understanding on behalf of the City of Kelowna for transit service over the 2020 –2023 service years.

Carried  
Councillor Donn – Opposed

#### **4.8 Transit 2019 2020 Annual Operating Agreement**

Staff:

- Displayed a PowerPoint Presentation summarizing the Annual Operating Agreement.

Moved By Councillor Donn/Seconded By Councillor Given

**R887/19/08/26** THAT Council approve the 2019/2020 Annual Operating Agreement between BC Transit and City of Kelowna for Conventional, Community, and Custom transit;

AND THAT the Mayor and City Clerk be authorized to execute the Transit Service Agreement between BC Transit and the City of Kelowna covering the period April 1, 2019 to March 31, 2020.

Carried

#### **5. Bylaws for Adoption (Non-Development Related)**

##### **5.1 BL11911 - Amendment No. 6 to the Housing Opportunities Reserve Fund Bylaw No. 8593**

Moved By Councillor Wooldridge/Seconded By Councillor Given

**R888/19/08/26** That Bylaw No. 11911 be adopted.

Carried

##### **5.2 BL11912 - Amendment No. 7 to Revitalization Tax Exemption Bylaw No. 9561**

Moved By Councillor Given/Seconded By Councillor Wooldridge

**R889/19/08/26** THAT Bylaw No. 11912 be adopted.

Carried

#### **6. Mayor and Councillor Items**

There were no Councillor items.

7. Termination

This meeting was declared terminated at 4:57 p.m.

\_\_\_\_\_  
Mayor Basran

/acm

\_\_\_\_\_  
City Clerk

DRAFT

# REPORT TO COUNCIL



**Date:** September 9, 2019

**To:** Council

**From:** City Manager

**Department:** Development Planning – Suburban, Rural

**Application:** A19-0009  
**Owner:** Balwinder S. Baring, Harpreet K. Baring, Sukhwinder S. Baring, Gurpreet K. Baring

**Address:** 298 Cornish Road  
**Applicant:** Balwinder Baring

**Subject:** Application to the ALC for a non-adhering residential use.

---

## 1.0 Recommendation

THAT Agricultural Land Reserve Appeal No. A19-0009 for Lot 45 Section 35 Township 26 ODYD Plan 425, located at 298 Cornish Road, Kelowna for a non-adhering residential use in the Agricultural Land Reserve pursuant to Section 20.1 of the *Agricultural Land Commission Act*, be supported by Council;

AND THAT the Council directs Staff to forward the subject application to the Agricultural Land Commission for consideration.

## 2.0 Purpose

To consider a non-adhering residential use application to allow a principal residence with total floor area greater than 500m<sup>2</sup> (653m<sup>2</sup>) on the property located at 298 Cornish Road.

## 3.0 Development Planning

Development Planning supports the non-adhering residential use application for a principal residence with total floor area greater than 500m<sup>2</sup>.

The owners of the subject property are part of a multigenerational farming family (The Barings) that includes 9 family members and is growing. The Barings have owned farmland in the area since 2006 and have been farming in the area since 1999. In order to accommodate a growing family, the Barings propose to construct a new home on the subject property, which they own and farm. Given just the size of the existing family, the living space per person afforded by the proposed home is generally consistent with the living space that the average Canadian enjoys (estimates for the square meters of living space per Canadian range between 57m<sup>2</sup> to 72m<sup>2</sup>).

The Barings had their proposed home designed between September and November 2018, prior to the date the Agricultural Land Commission (ALC) introduced new regulations limiting the size of a principal residence in the Agricultural Land Reserve (ALR), which occurred on February 22, 2019.

The Agricultural Advisory Committee (AAC) recommends that Council not support the non-adhering residential use application on the grounds that other design options may be tried to allow the home to fit within the regulated size.

Development Planning acknowledges the AAC's recommendation and rationale; however, because the living space per person afforded by the proposed home is generally consistent with what Canadians enjoy, and because the applicant had their proposed home designed before the ALC introduced their new regulations, staff consider it an undue hardship to require the applicant to abide by the ALC's regulations in this instance.

#### **4.0 Proposal**

##### **4.1 Background**

On February 22, 2019 the ALC introduced new regulations pertaining to residential uses on land in the ALR. As part of the new regulations the ALC has restricted principal residences to 500m<sup>2</sup> total floor area (ALCA s. 20.1(1)(b)). New residences proposed to be greater than 500m<sup>2</sup> now require an application for a non-adhering residential use permit. The only exception is as follows: an application for a primary residence greater than 500m<sup>2</sup> that received a Building Permit by February 22, 2019 is exempt from requiring a non-adhering residential use permit provided construction substantially begins by November 5, 2019 (see Attachment A).

The subject property at 298 Cornish Rd. is 3.7 hectares (9.3 acres) and is vacant. The property is owned by the Baring family, and they have farmed the land since purchasing it in 2017. There are 4 owners on Title: Harpreet Baring, her husband Balwinder Baring, Balwinder's brother Sukhwinder Baring, and his wife Gurpreet Baring. The Barings also own a property approximately ½ km to the east at 625 Cornish Rd., which they also farm, and where they live in a single family home—the home has 3 bedrooms and is approximately 370m<sup>2</sup>. Also living in the home are Balwinder and Sukhwinder's parents, as well as Balwinder and Harpreet's child, and Sukhwinder and Gurpreet's 2 children (9 family members total). The Baring's have owned and farmed the property at 625 Cornish Rd. since 2006.

Both Balwinder and Harpreet; and Sukhwinder and Gurpreet are intending to grow their families. In order to accommodate their growing family, the Barings plan to build a new home at 298 Cornish Rd. and sell the property at 625 Cornish Rd. The floor area of the proposed home is 653m<sup>2</sup> according to the ALC's definition of 'net floor area', which includes garage space over 42m<sup>2</sup> (the proposed home is 574m<sup>2</sup> when no garage space is included) (see Attachment A, Section 11. Glossary) (for floor plans of the proposed home see Attachment D).

The Barings had their proposed home designed between September and November 2018, 6 months before the ALC instituted their new rules regarding the maximum size of a principal residence on February 22, 2019. The Barings did not submit a building permit application immediately, as they yet had to register a residential footprint covenant on Title (as per Section 11.1.6(c) of Zoning Bylaw No. 8000), which was completed on March 19, 2019.

##### **4.2 Project Description**

The applicant proposes to construct a new single family home with secondary suite on the subject property. The floor area of the proposed home is 653m<sup>2</sup> according to the ALC's definition of 'net floor area', which includes garage space over 42m<sup>2</sup> (the proposed home is 574m<sup>2</sup> when no garage space is included).

The proposed home has a residential footprint of 551m<sup>2</sup> and is entirely within the 2000m<sup>2</sup> residential footprint area registered on Title. The 2000m<sup>2</sup> residential footprint area is at the southeast corner of the lot, adjacent to Cornish Rd., in an area of the property that minimizes the residential impact to agriculture (see Attachment C).

#### 4.3 Site Context

The subject property is 3.7ha (9.3 acres) and is vacant, but is planted with treefruits and nursery plants.

The subject property is on Cornish Rd. approximately 200m east of Rutland Rd. N at the north end of the Rutland Sector. The property is zoned A1 – Agriculture 1 and is in the Agricultural Land Reserve (ALR), as are all surrounding properties

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Farm
East	A1 – Agriculture 1	Farm
South	A1 – Agriculture 1	Farm
West	A1 – Agriculture 1	Farm

**Subject Property Map:** 298 Cornish Rd.





## 5.0 Applicable Acts & Policies

### 5.1 Agricultural Land Commission Act (ALCA)

Purposes of the commission – Section 6

The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;

(c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

#### Residential use of agricultural land – Section 20.1

(1) Unless permitted under section 20.2, 25 or 45 or the regulations, an owner of agricultural land who constructs, alters or uses a residential structure on the agricultural land must comply with all of the following:

(b) the total floor area of a principal residence must be 500m<sup>2</sup> or less

(2) an owner may apply

(a) to the commission for permission under section 25 for a non-adhering residential use

#### 5.2 Kelowna Agriculture Plan

##### Table 3. Zoning Bylaw updates: detailed actions

ID 1.3b: Investigate adopting a maximum home (principal dwelling) total floor area within the A1 zone based on Ministry of Agriculture guidelines, and other zones that may also be in the ALR. Timeframe: Short; Priority: High.

##### Additional discussion of applicable Acts and Policies:

The ALC has restricted the total floor area of a principal residence to 500m<sup>2</sup> for the following reason:

To “End[] the proliferation of large mansions and lifestyle estates in the ALR which inflate land prices and place agricultural land out of the reach of current and new farmers and ranchers” (ALC Website, “The ALC Act and ALR Regulations”, Accessed July 24, 2019) (see also Attachment E).

At the same time, the Ministry of Agriculture has recognized the important role that multigenerational farming families play in agriculture, and acknowledge that large farming families may need additional living space over and above that listed in the regulation. In a press release issued on February 23, 2019 (one day after the new regulation took effect) the Ministry issued the following quote:

“Multigenerational farming families are the backbone of agriculture throughout B.C.” / “...we’re supporting larger farming families by ensuring that those who need extra living space to support their farming operations have a path forward at the ALC to build a larger home” (see Attachment B).

For its part, the City of Kelowna Agriculture Plan (2017) recommends investigating the adoption of a maximum total floor area for a principal dwelling in the A1 zone based on Ministry of Agriculture guidelines (Table 3, ID1.3b). The reason offered for pursuing such an investigation is to address the concern of “the purchase of farmland with no intention of farming, followed by construction of significantly large homes” (Agriculture Plan, p. 15). In this case, the applicant (the Baring family) has been farming land in the area since 1999, and has every intention of continuing to farm the land into the future. The large size of the proposed home is to accommodate a large and growing family dedicated to farming. The Agriculture Plan is silent regarding multigenerational farming families.

## **6.0 Technical Comments**

### **6.1 Ministry of Agriculture**

- See Attachment E

### **6.2 Interior Health**

- See Attachment F

### **6.3 Regional District of Central Okanagan (RDCO)**

- See Attachment G

### **6.4 Development Engineering Department**

- See Attachment H

## **7.0 Application Chronology**

Date of Application Received: May 30, 2019

Agricultural Advisory Committee August 8, 2019

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on August 8, 2019 and the following recommendations were passed:

THAT the Agricultural Advisory Committee recommends that Council not support Agricultural Land Reserve Application No. A19-0009 for the property located at 298 Cornish Road to allow for a principal residence with an area greater than 500 square metres.

**Report prepared by:** Aaron Thibeault, Planner II

**Reviewed by:** Dean Strachan, Community Planning & Development Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

## **Attachments**

Attachment A: ALC Information Bulletin 05: Residences in the ALR

Attachment B: Ministry of Agriculture Press Release (February 23, 2019)

Attachment C: Residential Footprint Covenant Area & Site Plan

Attachment D: Floor Plans & Floor Area Breakdown

Attachment E: Ministry of Agriculture Comment

Attachment F: Interior Health Comment

Attachment G: Regional District of Central Okanagan (RDCO) Comment

Attachment H: Development Engineering Comment

ATTACHMENT
A

This forms part of application  
# A19-0009

Planner Initials

AT


  
City of Kelowna  
COMMUNITY PLANNING



## INFORMATION BULLETIN 05

### RESIDENCES IN THE ALR

Revised: May 8, 2019  
Revised: February 26, 2019  
Issued: February 25, 2019

#### Contents

1.	SCOPE OF THIS INFORMATION BULLETIN.....	2
2.	RECENT CHANGES TO STATUTE AND REGULATIONS.....	2
3.	ROLE OF LOCAL GOVERNMENTS.....	3
	A. Role as Approving Body.....	3
	B. Applications.....	3
	C. Consistency with Zoning and Other Bylaws.....	3
	D. Local Government May Restrict.....	4
	E. Areas Without Zoning Bylaws.....	4
4.	NEW CONSTRUCTION OF A RESIDENCE ON ALR LAND THAT HAS NO EXISTING RESIDENCE.....	4
5.	GRANDFATHERING PROVISIONS.....	5
	A. Completing a Residential Construction Initiated by February 22, 2019.....	5
	B. Completing Residential Alterations Initiated by February 22, 2019.....	6
	C. New Alterations Initiated After February 22, 2019.....	8
	D. Manufactured Home on ALR Land.....	8
	E. Single-Level Accommodation Constructed Above an Existing Building on the Farm.....	9
	F. Second Single Family Dwelling in Former Zone 2 ("Zone 2 Second SFD").....	9
6.	REPLACING A RESIDENCE.....	10
	A. Parcels on which there is only one residence.....	10
	B. Parcels on which there is more than one residence.....	10
7.	USE OF RESIDENCE IN ALR.....	11
	A. Secondary Suites.....	11
	B. Limited Accommodation for Tourists.....	11
8.	SOIL OR FILL FOR RESIDENTIAL CONSTRUCTION.....	11
9.	INFRASTRUCTURE NECESSARY FOR RESIDENTIAL USE.....	12
10.	APPLICATIONS FOR NON-ADHERING RESIDENTIAL USE.....	12
11.	GLOSSARY.....	13

## 1. SCOPE OF THIS INFORMATION BULLETIN

This information bulletin provides guidance to assist in interpreting the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36 (**ALCA**) and the Agricultural Land Reserve Use Regulation (the **ALR Use Regulation**), in relation to residences in the agricultural land reserve (**ALR**). The ALCA and ALR Use Regulation will govern if inconsistent with this bulletin.

This information bulletin is directed only to interpretation of the ALCA and the ALR Use Regulation. All other applicable laws, regulations and bylaws related to residential uses must also be complied with.

## 2. RECENT CHANGES TO STATUTE AND REGULATIONS

Effective February 22, 2019, the ALCA has been amended and the ALR Use Regulation has been created. Though many concepts contained in the ALCA and its regulations are unchanged from the past, there have been changes to the use of ALR land for residences. All references in this information bulletin to the ALCA and the ALR Use Regulation are as of February 22, 2019, unless otherwise stated.

The following is a summary of key residential changes to the ALCA and the ALR Use Regulation:

- Generally land in the ALR may have **no more than one residence** per parcel: ALCA, s. 20.1(1)(a), subject to certain grandfathering exceptions (see “Grandfathering Provisions” section). In addition, the Commission may approve an application for an additional residence if necessary for farm use, but the Commission is prohibited from approving an additional residence otherwise: ALCA, s. 25(1.1).
- New size, siting and use requirements apply to residential structures: ALCA, s. 20.1(1)(c).
- The **total floor area of a principal residence must be 500 m<sup>2</sup> or less** in order to comply with the ALCA, though a local government may impose a lower size cap under their bylaws: ALCA, ss. 20.1(1)(b), 46. The Commission has resolved on a definition of “total floor area” for the purpose of the ALCA and ALR Use Regulation, as set out in the “Glossary” section at the end of this bulletin.
- The ALCA and regulations had previously contained provisions facilitating the construction of additional dwellings for farm help, manufactured homes for immediate family members, accommodation above an existing farm building, or (in parts of the province) a second single family dwelling. These provisions are no longer found in the ALCA and the ALR Use Regulation, though the ALCA provides some grandfathering protection for pre-existing structures of these kinds and the Commission may approve an application for an additional residence if necessary for farm use.



- If a landowner wishes in the absence of certain grandfathering exceptions to have a principal residence having a total floor area that is more than 500 m<sup>2</sup>, to have an additional residence, or to use a residential structure in a manner that contravenes the regulations, the landowner may submit an application to the Commission, through the local government, seeking Commission approval: ALCA, ss. 20.1(2), 25. The ALCA calls this type of application an “**application for a non-adhering residential use**”. More information about this type of application is provided later in this bulletin under the heading “Applications for Non-Adhering Residential Use”.

### 3. ROLE OF LOCAL GOVERNMENTS

#### A. Role as Approving Body

##### I. Principal Residence

In order to comply with the ALCA, an approving body such as a local government may not approve or permit construction or alteration of a principal residence on ALR land unless the principal residence has a total floor area of 500 m<sup>2</sup> or less and is sized, sited and used in accordance with the ALR Use Regulation, or is permitted by the Commission on application: ALCA, s. 18. See the Section 11 “Glossary”, found at the end of this bulletin, for the definition of “**total floor area**”.

##### II. Additional Residence

An approving body may not approve or permit construction or alteration of an additional residence on ALR land unless the residence is approved by the Commission on application or is permitted under the ALR Use Regulation: ALCA, s. 18.

#### B. Applications

An application to the Commission asking it to approve a non-adhering residential use, such as new construction of a principal residence with a total floor area of more than 500m<sup>2</sup> or an additional residence, may be submitted through the landowner’s local government. For more information on the process for making applications to the Commission, please see the Commission’s website, at [www.alc.gov.bc.ca/alc/content/applications-and-decisions](http://www.alc.gov.bc.ca/alc/content/applications-and-decisions) as well as Section 10 of this information bulletin entitled “Applications For Non-Adhering Residential Use”.

#### C. Consistency with Zoning and Other Bylaws

Any portion of a local government bylaw that purports to allow a use of land in the ALR that is not permitted under the ALCA or the ALR Use Regulation, or contemplates a use of land that would impair or impede the intent of the ALCA or the ALR Use Regulation, is inconsistent with the ALCA or the ALR Use Regulation and has no force or effect: ALCA, ss. 46(4), (5).

For example, **if a zoning bylaw provides for more residences on ALR land than do the ALCA and the ALR Use Regulation, its provision for extra residences is of no force or effect and cannot be relied on.**

Construction, alteration or use of any residences in contravention of the ALCA or the ALR Use Regulation may be subject to compliance and enforcement action even if the construction, alteration or use seems to be in compliance with a local government bylaw.

#### **D. Local Government May Restrict**

**Local government bylaws can be more restrictive of residential use of the ALR than the ALCA:** ALCA, s. 46(6). The ALR Use Regulation identifies certain designated farm uses and permitted non-farm uses that local governments must not prohibit, but places no limitation on local government powers to prohibit or otherwise restrict residential uses of ALR land. **As such, a local government may impose restrictions on sizing, siting and use of principal residences on ALR land additional to those found in the ALCA.** For example, a local government could enact a bylaw imposing a size limit smaller than 500 m<sup>2</sup> total floor area on principal residences on ALR land.

#### **E. Areas Without Zoning Bylaws**

Note that some areas of the province do not have zoning bylaws. The absence of local zoning bylaws does not relieve a landowner from complying with the restrictions in the ALCA and ALR Use Regulation.

### **4. NEW CONSTRUCTION OF A RESIDENCE ON ALR LAND THAT HAS NO EXISTING RESIDENCE**

No application is required to the Commission in order to construct a residence with a total floor area of 500 m<sup>2</sup> or less on a parcel of ALR land which has **no existing residence** (a “**vacant parcel**”).

The Commission will consider the residence when built on a vacant parcel to be the “principal residence”.

If the proposed principal residence is more than 500m<sup>2</sup> or there is already another residence located on the ALR land, in order to construct the residence the landowner must apply to the Commission through the local government and obtain permission from the Commission: ALCA, s. 20.1(1).

“Construct” includes “to build a new structure” or “to place on land a new structure that is fully or partially pre-fabricated”: ALCA, s. 1(1).

## 5. GRANDFATHERING PROVISIONS

### A. Completing a Residential Construction Initiated by February 22, 2019

If by February 22, 2019 a landowner had already initiated construction of a residence in the ALR, in certain circumstances the owner may be able to complete that work without application to the Commission. In other circumstances, the work will not be able to proceed unless the Commission first approves an **application for a non-adhering residential use** made by the owner: ALCA, ss. 20.1(2), 25. See Section 10 “Applications for Non-Adhering Residential Use” later in this bulletin.

#### I. Unfinished Principal Residence

##### Total Floor Area of 500 m<sup>2</sup> or less

If the landowner is completing construction of an unfinished principal residence which will on completion have a total floor area of **500 m<sup>2</sup> or less** and is otherwise also compliant with the ALCA and regulations, the owner may complete that construction without applying to the Commission for permission to do so.

##### Total Floor Area of more than 500 m<sup>2</sup>

If the landowner is completing construction of an unfinished principal residence which will, if completed as designed, have a total floor area of **more than 500 m<sup>2</sup>**, the landowner may continue if:

- a) Where building permit authorization **is required** by local government bylaw
  - all required authorizations to construct the residence were granted before February 22, 2019 and construction of the foundation of the residence substantially begins on or before November 5, 2019, AND
  - from the date construction of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry; OR
- b) Where building permit authorization **is NOT required** by local government bylaw
  - if no authorizations to construct the residence are required, construction of the foundation of the residence had substantially begun before February 22, 2019; AND
  - from the date construction of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry.



## II. Unfinished Additional Residence

If the landowner is completing construction of a residence that, **if completed as designed**, will be an additional residence, the landowner may do so if:

- a) Where building permit authorization **is required** by local government bylaw
  - all required authorizations to construct the residence were granted before February 22, 2019 and construction of the foundation of the residence substantially begins before February 22, 2019, AND
  - from the date construction of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry; OR
- b) Where building permit authorization **is NOT required** by local government bylaw
  - if no authorizations to construct the residence are required, construction of the foundation of the residence had substantially begun before February 22, 2019; AND
  - from the date construction of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry.

## **B. Completing Residential Alterations Initiated by February 22, 2019**

If an owner wants to complete alterations to a residence on ALR land that had been initiated prior to February 22, 2019, the owner may do so without application to the Commission only in limited circumstances.

To “alter” means “(a) to alter the exterior of a structure so as to increase its size; (b) to move or alter the exterior walls or edges of a structure so as to change its siting”: ALCA, s. 1(1).

### I. Completing Alterations to a Principal Residence

#### Total Floor Area of 500 m<sup>2</sup> or less

If the landowner is completing alterations to a principal residence that will not cause its total floor area to exceed **500 m<sup>2</sup>** and that will otherwise also be compliant with the ALCA and regulations, the landowner may complete those alterations without applying to the Commission for permission to do so.

### Total Floor Area of more than 500 m<sup>2</sup>

Alterations that had already been commenced as of February 22, 2019 to a principal residence that, **if completed as designed**, will have a total floor area of more than 500 m<sup>2</sup>, may be completed if:

- a) Where building permit authorization **is required** by local government bylaw
  - all required authorizations to alter the residence were granted before February 22, 2019 and construction of the foundation of the residence substantially begins on or before November 5, 2019, AND
  - from the date alteration of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry; OR
- b) Where building permit authorization **is NOT required** by local government bylaw
  - if no authorizations to alter the residence are required, construction of the foundation of the residence had substantially begun before February 22, 2019; AND
  - from the date alteration of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry.

### II. Completing Alterations to an Additional Residence

Alterations that had already been commenced as of February 22, 2019 to a residence in the ALR that, **if completed as designed**, will be an additional residence, may be completed if:

- a) Where building permit authorization **is required** by local government bylaw
  - all required authorizations to alter the residence were granted before February 22, 2019 and construction of the foundation of the residence substantially begins before February 22, 2019, AND
  - from the date alteration of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry; OR
- b) Where building permit authorization **is NOT required** by local government bylaw

- if no authorizations to alter the residence are required, construction of the foundation of the residence had substantially begun before February 22, 2019; AND
- from the date alteration of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry.

### **C. New Alterations Initiated After February 22, 2019**

Alterations that were not initiated by February 22, 2019 may also be undertaken in some circumstances on ALR land even without application to the Commission.

An owner who wishes to alter a residential structure that exists on ALR land on February 22, 2019 but that (a) is an additional structure; or (b) is a principal residence with a total floor area of more than 500 m<sup>2</sup>; or (c) is of a size or is sited in contravention of a regulation, may do so in some circumstances. The owner may alter the structure without applying to the Commission **only** if the alteration will lead to no further contravention of the ALCA or regulations: ALCA, s. 20.2.

The Commission expects that the alterations undertaken in the context of the above paragraph would eliminate, or at least reduce or not worsen, any pre-existing contravention of the ALCA or the regulations. It does not expect that alterations would increase the size of the residential structure or initiate a non-adhering residential use; any such alterations should be the subject of an application to the Commission.

An owner who wishes to alter a principal residence that will remain no larger than 500 m<sup>2</sup> and that will otherwise also remain in compliance with the ALCA and regulations may also do so without application to the Commission.

### **D. Manufactured Home on ALR Land**

If on February 22, 2019, there was one manufactured home which was an additional residence, was constructed in accordance with all applicable enactments, and was used as a residence by a member of the immediate family of the owner of the land in the ALR, it may continue to be used as a residence in the ALR if on February 22, 2019 there was one manufactured home, up to 9 m in width, constructed in accordance with all applicable enactments and used as a residence by a member of the immediate family of the owner of the land in the ALR, it may continue to be used as a residence in the ALR if:

- there is no other residence on the land other than the principal residence; AND
- the size and siting of the residence is not altered after February 22, 2019 unless
  - permitted on application, OR



- the size of the manufactured home or the total area occupied by all residences and other residential structures, roads and service lines, and all agricultural land between them, as applicable, is not increased by the alteration.

ALR Use Regulation, s. 32

There is no right to replace a residential structure which is permitted due to a grandfathering exception. An application to the Commission for its approval is required to replace such a structure. See the “Replacing a Residence” section for more information.

#### **E. Single-Level Accommodation Constructed Above an Existing Building on the Farm**

If on February 22, 2019 there was accommodation that had been constructed in accordance with all applicable enactments above an existing building on the farm and that had only a single level, it may continue to be used as a residence in the ALR if:

- there is no other residence on the land other than the principal residence; AND
- the size and siting of the residence is not altered after February 22, 2019 unless
  - permitted on application, OR
  - the total area occupied by all residences and other residential structures, roads and service lines, and all agricultural land between them, as applicable, is not increased by the alteration.

ALR Use Regulation, s. 32

There is no right to replace a residential structure which is permitted due to a grandfathering exception. An application to the Commission for its approval is required to replace such a structure. See the “Replacing a Residence” section for more information.

#### **F. Second Single Family Dwelling in Former Zone 2 (“Zone 2 Second SFD”)**

Until February 22, 2019, land in the ALR was considered to be either in Zone 1 (the panel regions of the South Coast, Island and Okanagan panels) or Zone 2 (the panel regions of the Interior, North and Kootenay panels).

Prior to February 22, 2019, certain activities were permitted in Zone 2 that were not permitted in Zone 1. The term “**Zone 2 Second SFD**” is used in this bulletin to refer to a second single family dwelling in the area of the province that until February 22, 2019 was Zone 2, if the parcel was at least 50 ha in size and if the total area occupied by all residences and other residential structures, roads and service lines, and all land between them, was 4 000 m<sup>2</sup> or less.

If on February 22, 2019 there was a “**Zone 2 Second SFD**” on Zone 2 land in the ALR, constructed in accordance with all applicable enactments, the Zone 2 Second SFD may continue to be used as a residence in the ALR if:

- there is no other residence on the land other than the principal residence; AND
- the size and siting of the Zone 2 Extra Home is not altered after February 22, 2019 unless
  - permitted on application, OR
  - the total area occupied by all residences and other residential structures, roads and service lines, and all agricultural land between them, as applicable, is not increased by the alteration.

ALR Use Regulation, s. 32

There is no right to replace a residential structure which is permitted due to a grandfathering exception. An application to the Commission for its approval is required to replace such a structure. See the “Replacing a Residence” section for more information.

## 6. REPLACING A RESIDENCE

The term “construct” includes “to replace a structure, 75% or more of which has been substantially damaged or destroyed”: ALCA, s. 1(1). In order to replace a structure, an owner must abide by the requirements in section 20.1 and, if applicable, section 20.2 of the ALCA.

### A. Parcels on which there is only one residence

If an owner is replacing the only residence on a parcel in the ALR, the total floor area of the new residence must not be more than 500 m<sup>2</sup>.

### B. Parcels on which there is more than one residence

An application to the Commission, and Commission approval of that application, are required to replace residences which pre-date the ALR (that is, are older than December 21, 1972), residences approved by local government under the former section 18 of the ALCA and its predecessors, residences permitted without application to the Commission under previous versions of the ALCA and regulations, and residences constructed in contravention of local zoning bylaws or the ALCA or regulations.

Whether an application is required to replace a residence that the Commission itself had previously approved on application may depend on the terms of that approval.

## 7. USE OF RESIDENCE IN ALR

Use of a residence located in the ALR is limited. Generally it may be used only as a residence, subject to limited exceptions:

### A. Secondary Suites

The use of land in the ALR for a secondary suite is permitted if there is one suite only, located in the principal residence: ALR Use Regulation, s. 31.

### B. Limited Accommodation for Tourists

See the Commission's information bulletin called "Accommodation for Tourists" for more information. Strict conditions must be met for such use.

## 8. SOIL OR FILL FOR RESIDENTIAL CONSTRUCTION

Removing soil from or placing fill on ALR land is permitted for the construction or maintenance of a principal residence if the total area from which soil is removed or on which fill is placed is 1,000 m<sup>2</sup> or less. If the affected area is in a floodplain, an additional condition applies: the resulting elevation level must be consistent with applicable local government or first nation government requirements for flood protection: ALR Use Regulation, s. 35.

Removing soil from or placing fill on ALR land in connection with other residential uses (such as for the construction of an additional residence, alteration of a residence or where the area affected by a principal residence is greater than 1,000 m<sup>2</sup>) is not permitted. An owner of ALR land seeking to remove soil or place fill may submit a notice of intent along with payment of the required fee to the ALC's chief executive officer requesting approval: ALCA, s. 20.3. The landowner may also apply to the Commission for a soil or fill use under s. 25 of the ALCA.

The following types of fill are prohibited on ALR land (ALR Use Regulation, s. 36):

- construction or demolition waste (including masonry rubble, concrete, cement, rebar, drywall and wood waste);
- asphalt;
- glass;
- synthetic polymers;
- treated wood;
- unchipped lumber.



## 9. INFRASTRUCTURE NECESSARY FOR RESIDENTIAL USE

Subject to any limits and conditions set out in Part 4 of the ALR Use Regulation, the use of agricultural land to construct, maintain or operate the following is permitted:

- (a) a structure, other than a residential structure, that is necessary for a residential use permitted under Part 4. Examples include detached garages;
- (b) a driveway or utility necessary for a residential use permitted under this part: ALR Use Regulation, s. 30.

## 10. APPLICATIONS FOR NON-ADHERING RESIDENTIAL USE

An owner may apply to the Commission for permission under section 25 of the ALCA for a non-adhering residential use: ALCA, s. 20.1(2). A “**non-adhering residential use**” means “any of the following: (a) an additional residence; (b) a principal residence having a total floor area that is more than 500 m<sup>2</sup>; (c) a use of a residential structure that contravenes the regulations”: ALCA, s. 1(1).

For more information on making applications to the Commission, please see the Commission’s website, at [www.alc.gov.bc.ca/alc/content/applications-and-decisions](http://www.alc.gov.bc.ca/alc/content/applications-and-decisions).

Section 25(1) of the ALCA provides that on receiving a use application the Commission normally may:

- refuse permission for the use applied for,
- grant permission, with or without limits or conditions, for the use applied for, or
- grant permission for an alternative use or subdivision, with or without limits or conditions, as applicable.

With respect to an application for a non-adhering residential use, the Commission (a) must consider the prescribed criteria, if any, (b) must not grant permission for an additional residence unless the additional residence is necessary for a farm use; and (c) must reject the application if required by the regulations to do so: ALCA, s. 25(1.1).

Examples of considerations that the Commission may take into account in determining a use application are found here: [www.alc.gov.bc.ca/alc/content/applications-and-decisions/what-the-commission-considers](http://www.alc.gov.bc.ca/alc/content/applications-and-decisions/what-the-commission-considers)

## 11. GLOSSARY

The following key definitions are relevant to this information bulletin:

**“additional residence”** means “a residence on a parcel of agricultural land, other than the principal residence”: ALCA, s. 1(1)

**“alter”** means “the following: (a) to alter the exterior of a structure so as to increase its size; (b) to move or alter the exterior walls or edges of a structure so as to change its siting”: ALCA, s. 1(1)

**“as designed”** means as stated or shown in (a) a design, proposal or other plan approved under or accepted in support of an authorization, or (b) a design or plan finalized, before the date this section comes into force, by an architect or engineer or, if none, the designer of the residence, if no authorizations are needed to construct or alter the residence: ALCA, s. 20.2

**“authorization”** means a permit or other authorization, issued under an enactment, to construct or alter a residence: ALCA, s. 20.2

**“construct”** means “the following: (a) to build a new structure; (b) to place on land a new structure that is fully or partially pre-fabricated; (c) to replace a structure, 75% or more of which has been substantially damaged or destroyed”: ALCA, s. 1(1)

**“farm use”** means “an occupation or use of agricultural land for (i) farming land, plants, mushrooms, truffles or animals, (ii) a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*, or (iii) a purpose designated as a farm use by regulation”, but “farm use” does “not include a residential use or a soil or fill use”: ALCA, s. 1(1)

**“fill”** means “any material brought onto agricultural land other than materials exempted by regulation”: ALCA, s. 1(1)

**“non-adhering residential use”** means “any of the following: (a) an additional residence; (b) a principal residence having a total floor area that is more than 500 m<sup>2</sup>; (c) a use of a residential structure that contravenes the regulations”: ALCA, s. 1(1)

**“non-farm use”** means “a use of agricultural land other than a farm use, a residential use or a soil or fill use”: ALCA, s. 1(1)

**“pre-existing residential structure”** means “a residential structure that exists on agricultural land on the date this section comes into force [February 22, 2019], and (a) is an additional residence, (b) is a principal residence having a total floor area of more than 500 m<sup>2</sup>, or (c) is of a size or is sited in contravention of a regulation”: ALCA, s. 20.2

**“prescribed residential structure”** is either a “structure” that, or a “vehicle” that, is “used, whether permanently or temporarily, to provide or in connection with providing accommodation as described in [Part 4 of the ALR Use Regulation]”: ALR Use Regulation, s. 29

**“principal residence”** means “the residence permitted under section 20.1(1)(a)”: ALCA, s. 1(1)

**“residential structure”** means “a structure used, during all or part of the year and whether fully or partially, as (a) a residence, (b) if prescribed, accommodation, or (c) if prescribed, in relation to a residence or accommodation”: ALCA, s. 1(1)

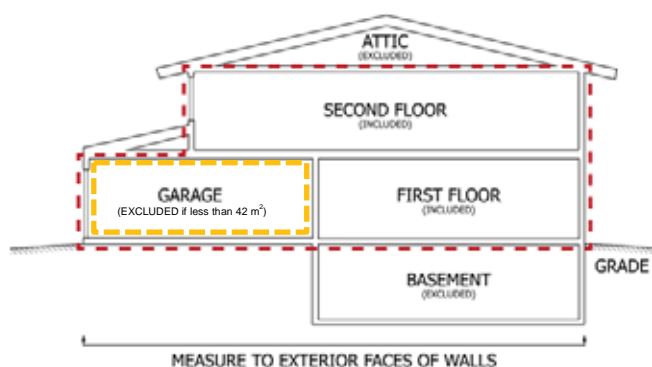
**“residential use”** means “a use of agricultural land for a residential structure” but “does not include a farm use or a soil or fill use”: ALCA, s. 1(1)

**“soil or fill use”** means “the removal of soil from, or the placement of fill on, agricultural land” but “does not include a farm use or a residential use”: ALCA, s. 1(1)

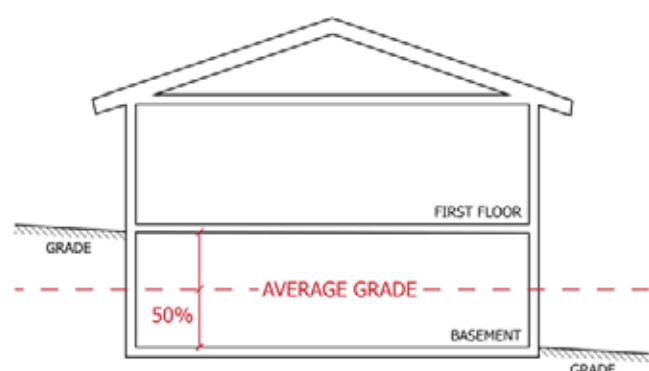
**“total floor area”** means, for purposes of the ALCA and ALR Use Regulation and pursuant to Commission Resolution No. 056N-2019, the total area of all floors measured to the outer surface of the exterior walls, including corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies, enclosed porches or verandas, and excluding:

- (a) attached garages and unenclosed carports to a cumulative maximum of 42 square metres;
- (b) basements that do not end beyond the outer surface of the exterior wall of the first floor, with basement meaning that portion of any floor area having more than one-half its vertical height below the average finished grade at the perimeter of a building;
- (c) attics, with attic meaning the unfinished space between the roof and the ceiling of the top storey of a building or between a partial wall and a sloping roof.

**Total Floor Area Illustration**



**Basement Illustration**





**“unfinished pre-existing residence”** see the definition at s. 20.2 of the ALCA and in the body of the information bulletin above

**“use or subdivision application”** means “an application for permission made under any of the following: (a) section 20 (2) for a non-farm use; (b) section 20.1 (2) (a) for a non-adhering residential use; (c) section 20.3 (5) for a soil or fill use; (d) section 21 (2) for subdivision”: ALCA, s. 1(1)

**“Zone 2 Second SFD”** means a second single family dwelling in the area of the province that until February 22, 2019 was Zone 2, but only if the parcel was at least 50 ha in size and if the total area occupied by all residences and other residential structures, roads and service lines, and all land between them, was 4 000 m<sup>2</sup> or less

For Immediate Release  
2019AGRI0018-000261  
Feb. 23, 2019

### **Legislation to protect farmland now in force**

VICTORIA – Regulations that strengthen B.C.'s Agricultural Land Reserve (ALR) came into force under Bill 52 on Feb. 22, 2019, enhancing food security and encouraging farming in the ALR.

"I'm very happy to see this law come into full force and effect," said Lana Popham, Minister of Agriculture. "This new law will encourage farming and better protect farmland by banning mega-mansions, stopping the illegal dumping of waste on farmland and reinstating the one-zone system. It's a great step in our effort to revitalize the Agricultural Land Reserve so that British Columbians can count on a safe, secure supply of locally grown food on their tables for years to come."

The Agricultural Land Commission Amendment Act, 2018 provides three key changes, including:

- Restricting the removal of soil and increased penalties for the dumping of construction debris and other harmful fill in the ALR.
- Directly addressing mega-mansions and speculation in the ALR by limiting primary residence size on ALR lands and empowering the Agricultural Land Commission (ALC) to approve additional residences if they are for farm use.
- Reunifying the ALR as a single zone, ensuring consistent rules with strong protections for all provincial ALR land.

"At the same time, we're supporting larger farming families by ensuring that those who need extra living space to support their farming operations have a path forward at the ALC to build a larger home," said Popham. "Multigenerational farming families are the backbone of agriculture throughout B.C."

Bill 52 was introduced on Nov. 5, 2018, and received royal assent three weeks later. It required a regulation to bring the law into force. The legislative changes make it clear that British Columbia's ALR is for farming and ranching, not for building mega-mansions and dumping construction waste.

Established in 1973, the ALR is administered by the ALC, an independent tribunal mandated to preserve agricultural land and encourage farming on agricultural land. The ALR includes over 4.7 million hectares of B.C. that are preserved for agricultural use — less than 5% of B.C.'s total land base.

#### **Quick Facts:**

- Farming families who need the extra space to farm have a path forward at the ALC to build a larger home to support their farming operations.
- To ensure fairness, people who have all their permits and authorizations in place on Feb.

22, 2019, when the regulations became law, will be grandfathered under the old system provided they begin substantial construction by Nov. 5, 2019.

- Under Bill 52, dumping construction waste and other damaging substances on farmland is prohibited, with strong penalties and new tools for enforcement.
- New offences for illegal fill and soil removal have been created under the new act, with maximum penalties of \$1 million or six months imprisonment for a first offence.

**Learn More:**

For more information, visit the Agricultural Land Commission's website:

<https://www.alc.gov.bc.ca/alc/content/contact-us>

**Contact:**

Dave Townsend  
Government Communications and Public  
Engagement  
Ministry of Agriculture  
250 356-7098  
250 889-5945 (cell)

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Connect with the Province of B.C. at: [news.gov.bc.ca/connect](https://news.gov.bc.ca/connect)

## PLAN EPP90492



City of Kelowna  
COMMUNITY PLANNING

Planner  
Initials

AT

MAGNETIC COORDINATES 4.0,0 BC 11 UTM ZONE 11 COORDINATES						
COORDINATES	Easting	Northing	Utm	Combined Factor	Estimated Horizontal Accuracy	Estimated Vertical Accuracy
73M11879	5531759.892	326851.690	0.92989199	0.01		
73M11737	5531746.075	329079.824	0.99268777	0.01		

### LEGEND

INTEGRATED SURVEY AREA NO. 4, CITY OF KELOWNA,  
NAD83 (CSRS) 4.0.0C.1

THE UTM COORDINATES AND ESTIMATED HORIZONTAL POSITIONAL ACCURACY ARE DERIVED FROM THE MASCOT PUBLISHED COORDINATES AND STANDARD DEVIATIONS FOR GEODETIC CONTROL MONUMENTS 73M1879 AND 73M1737.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF 0.9998988 WHICH HAS BEEN DERIVED FROM GEOSTIC CONTROL MONUMENTS 23H1879 AND 23H1737.

⊕ DENOTES NON-STANDARD POST FOUND  
 ⊗ DENOTES CONTROL MONUMENT FOUND  
 • DENOTES STANDARD IRON POST FOUND  
 ○ DENOTES STANDARD IRON POST SET

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF CENTRAL OKANAGAN.

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 15th DAY OF FEBRUARY, 2019  
COLIN FERGLISON, RCLS RSM

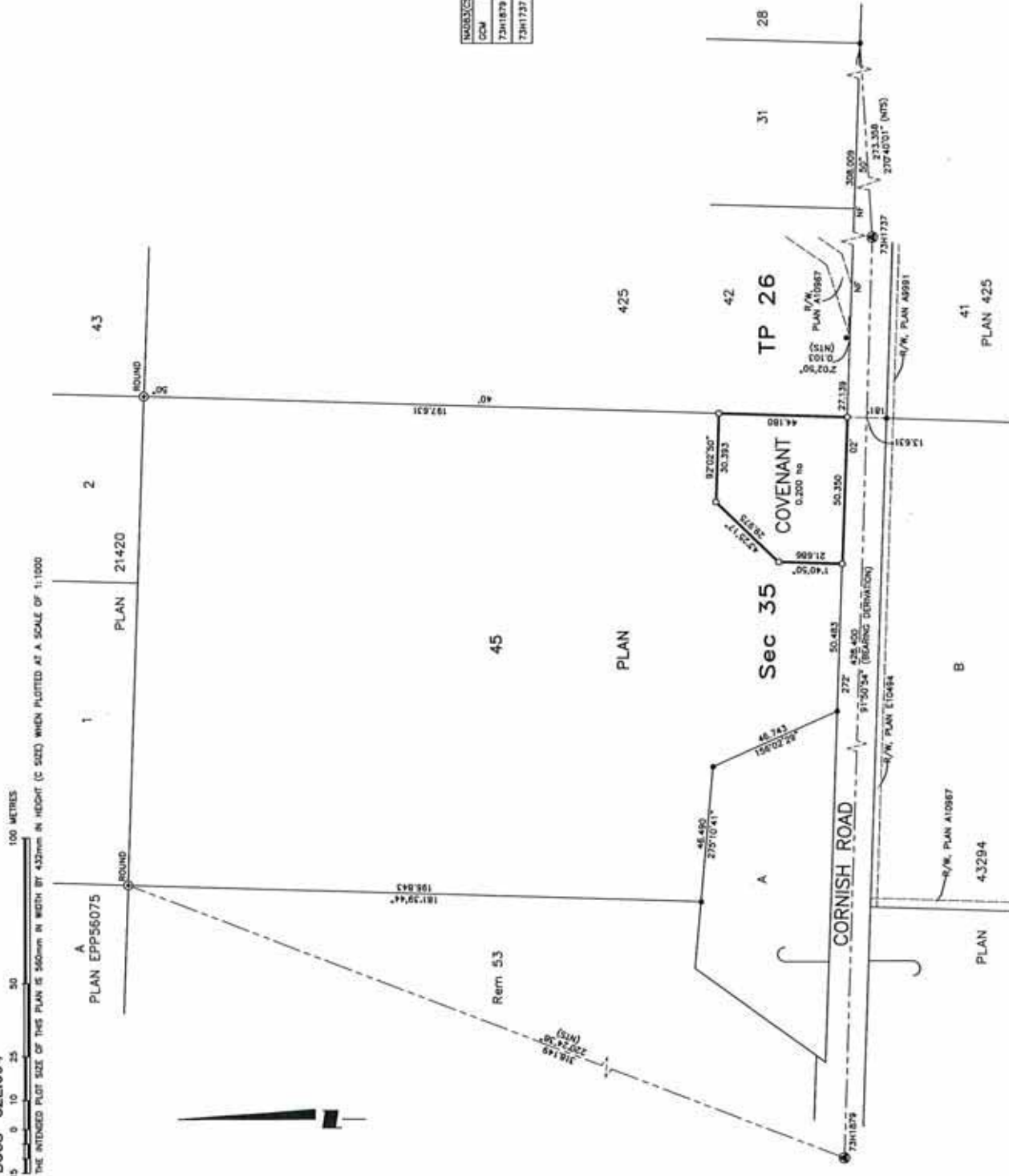
Ferguson Land Surveying & Geomatics Ltd.  
B.C. AND CANADA LAND SURVEYORS  
404-1630 PANGLOSS STREET, KELOWNA, B.C.  
TEL: (250) 763-1114 FAX: (250) 763-0332

JOB No 21773-COV

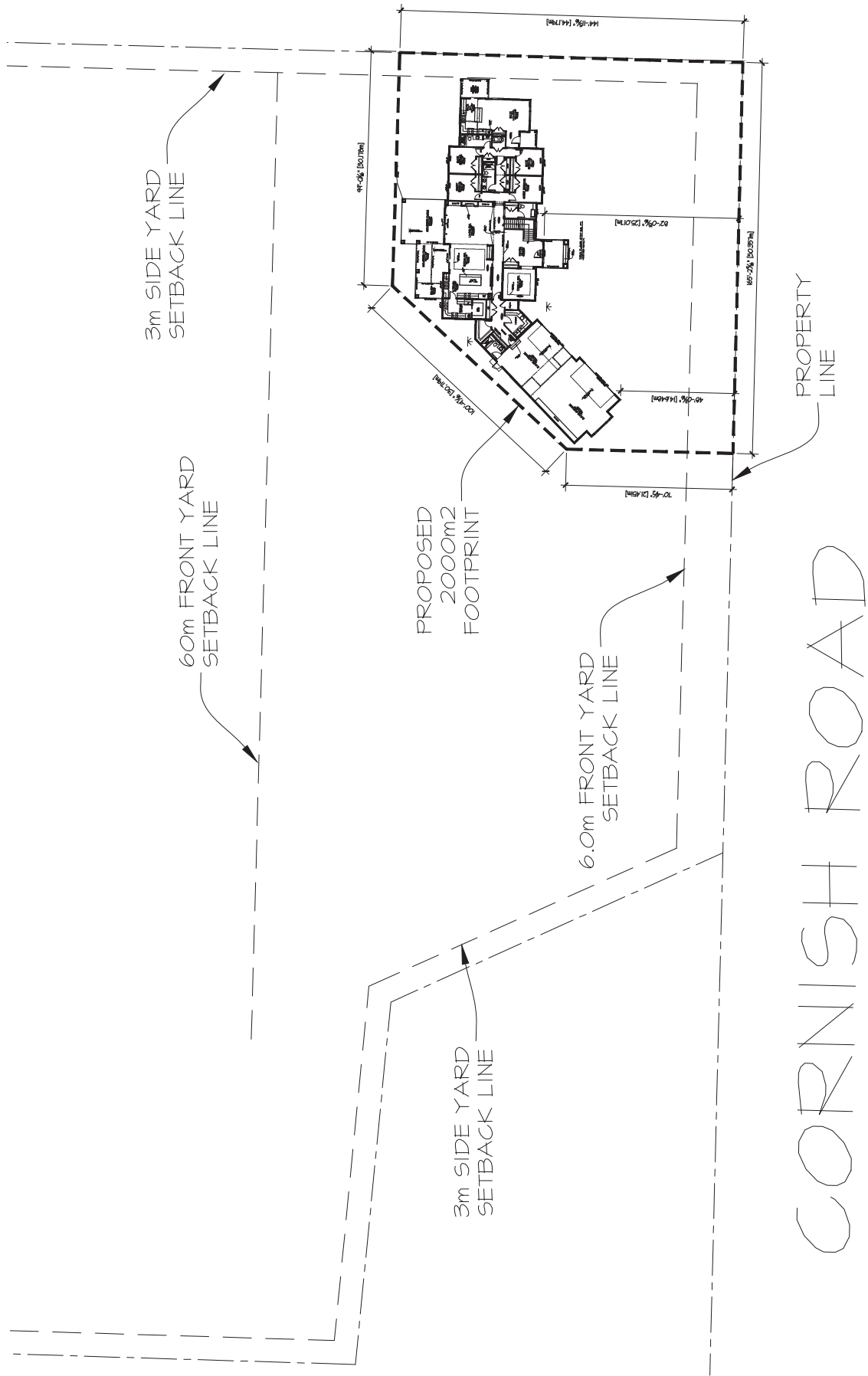
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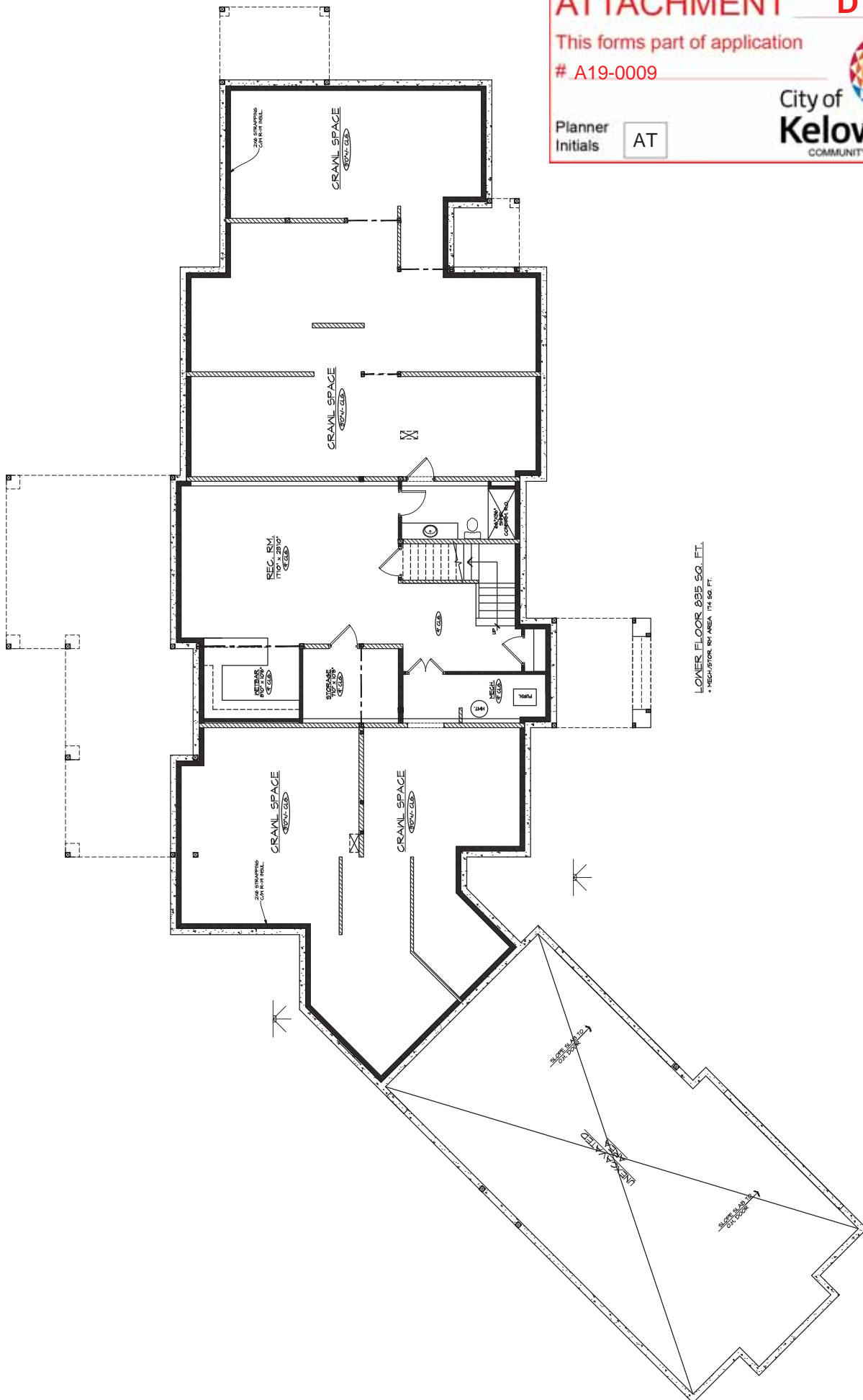
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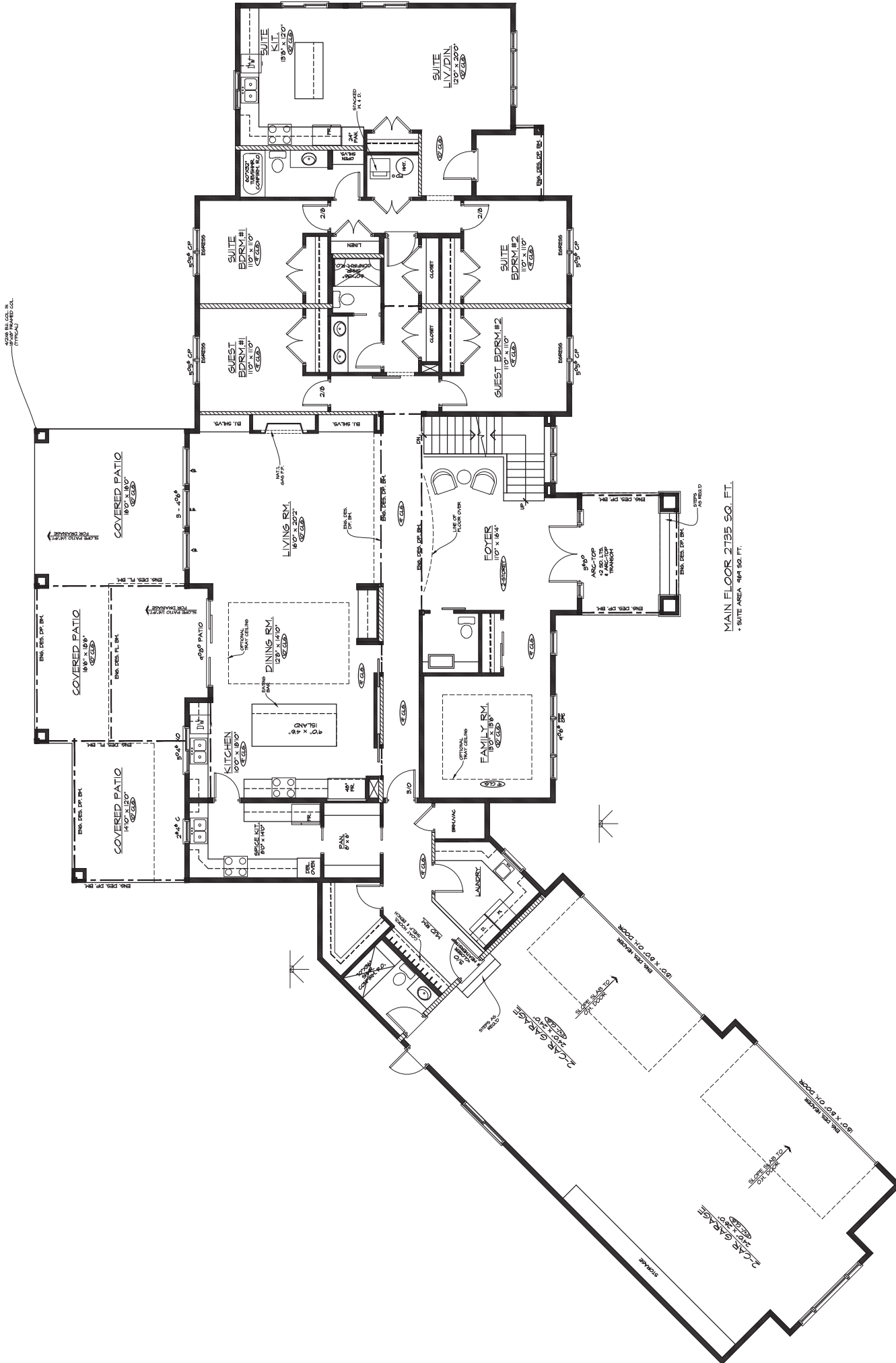






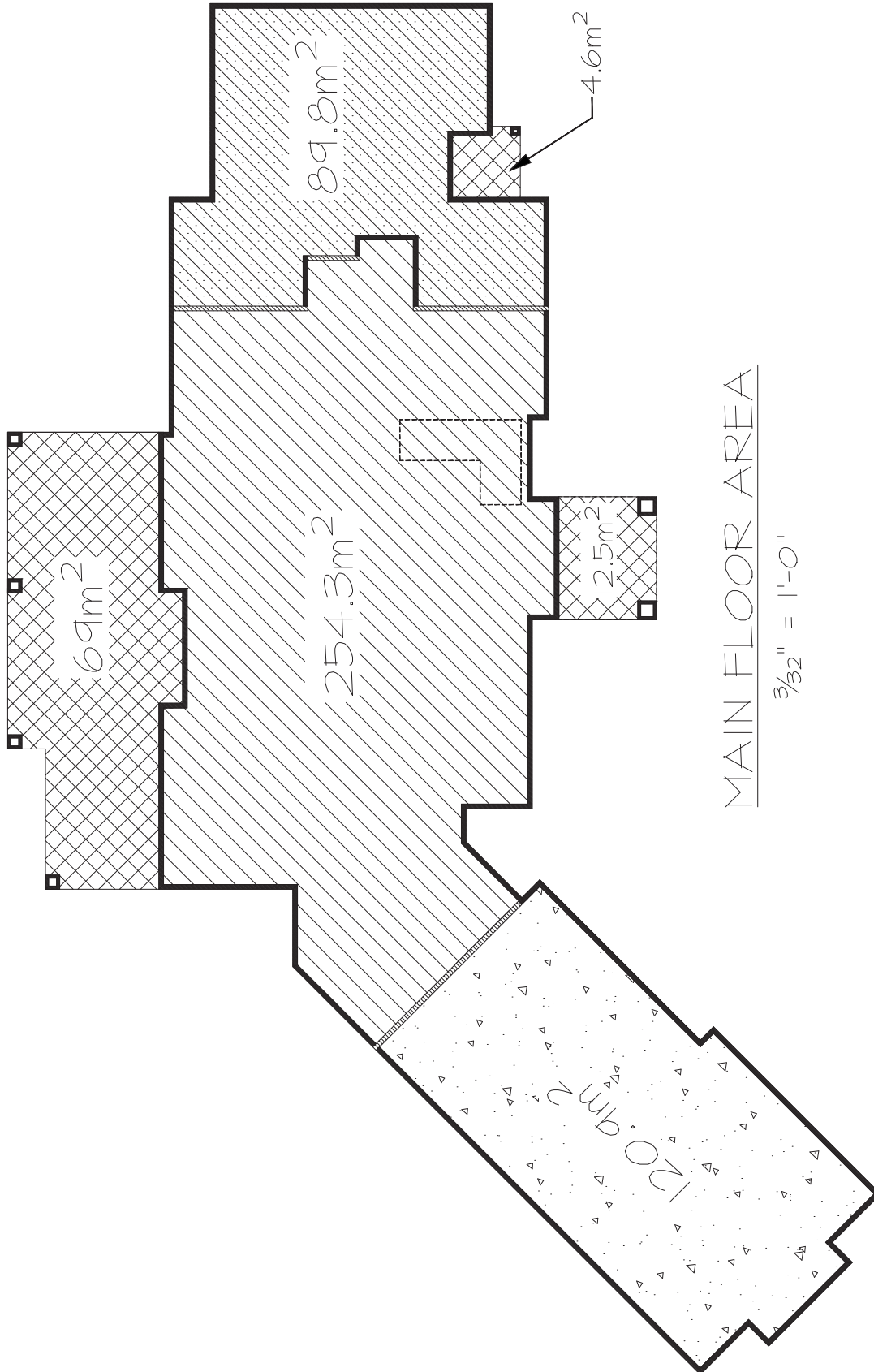
City of Kelowna  
COMMUNITY PLANNING





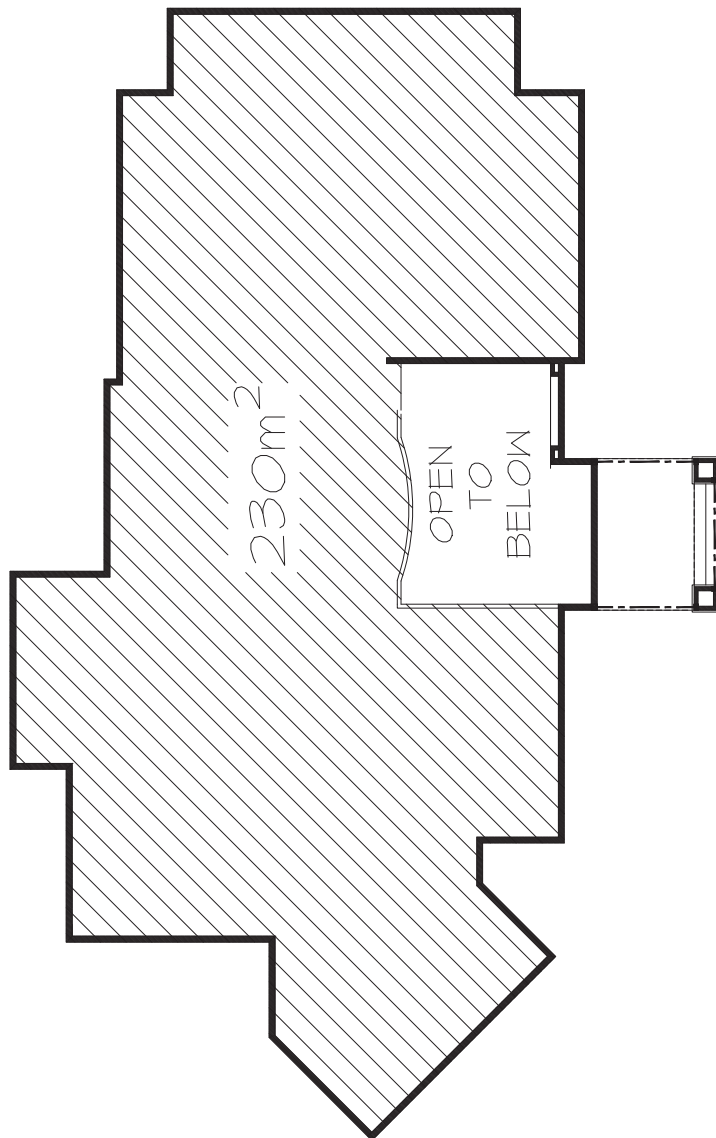






MAIN FLOOR AREA

$\frac{3}{32}" = 1'-0"$



UPPER FLOOR AREA

$\frac{3}{32}" = 1'-0"$

# ATTACHMENT E

This forms part of application

# A19-0009

Planner  
Initials

AT

City of  
**Kelowna**  
COMMUNITY PLANNING



June 10, 2019

File: A19-0009

City of Kelowna  
1435 Water Street  
Kelowna BC V1Y 1J4  
E-mail: [planninginfo@kelowna.ca](mailto:planninginfo@kelowna.ca)

Re: A19-0009 ALC Non-Adhering Residential Use Application 298 Cornish Road

To the City of Kelowna,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the ALC Non-Adhering Residential Use application for a principal residence more than 500m<sup>2</sup> located at 298 Cornish Road. I have reviewed the documents you have provided and can provide the following comments:

- The Ministry's [Guide for Bylaw Development in Farming Areas](#) (Bylaw Guide) states that "Three options have been identified for addressing residential impacts. These are 1) regulating the siting of residential uses, 2) restricting the size of the farm residential footprint, and 3) restricting the size of the farm residence." The Bylaw Guide also reads, "While limiting the size of the residence does have a significant benefit in reducing the impact on farmland prices, it is considered to be of lesser importance compared to the siting of residential uses and the size of the farm residential footprint." Given this, while it appears the proposed development meets both the 2000m<sup>2</sup> maximum farm residential footprint and maximum road setbacks (siting) bylaw standards, it does not meet the suggested 500m<sup>2</sup> house size maximum (p.15-17).
- The Ministry's 2011 '[Regulating the Siting and Size of Residential Uses In the ALR](#)' Discussion Paper (which forms the background document for the Minister's residential size and siting bylaw standard) states the issue clearly; "In addition to alienating farmland, large and expensive residences and accessory farm residential facilities can significantly increase the value of the property making it less affordable for farmers and less likely to be farmed." (p.12)
- With this in mind, while recognizing its dated and regionally different circumstances, the same document also references 2011 Metro Vancouver research data comparing a 'medium' sized house (5000 sq.ft.) versus a 'large' sized house (7,500 sq.ft.). Both are on 10 acre parcels and show an average 'value per acre' increased difference, (including the house) of \$175,000 versus \$212,500. (p.12). While recent Okanagan specific numbers are not known, Farm Credit Canada's 2018 [Farmland Values Report](#) identifies the Okanagan as the only region in B.C. currently with higher value per acre numbers (\$97,903 versus \$94,657) compared to the South Coast (p.7).

If you have any questions please contact me directly at [christina.forbes@gov.bc.ca](mailto:christina.forbes@gov.bc.ca) or 250-861-7201.

Sincerely,

A handwritten signature in blue ink, appearing to be 'C. Forbes', with a long, sweeping horizontal stroke extending to the right.

Christina Forbes, P.Ag

Regional Agrologist

B.C. Ministry of Agriculture – Kelowna

Office: (250) 861-7201

E-mail: [christina.forbes@gov.bc.ca](mailto:christina.forbes@gov.bc.ca)

Email copy: Sara Huber, ALC Regional Planner, [Sara.Huber@gov.bc.ca](mailto:Sara.Huber@gov.bc.ca)





<b>ATTACHMENT F</b>	
This forms part of application	
# A19-0009	
Planner Initials	AT
 <b>City of Kelowna</b> COMMUNITY PLANNING	

June 24, 2019

Aaron Thibeault  
City of Kelowna  
Planning Department  
1435 Water Street  
Kelowna, BC V1Y 1J4

Dear Aaron,

Re. Application for non-adhering residential use in the ALR: A19-0009

Thank you for the opportunity to provide comments on this application. It is our understanding that this is an application for non-adhering residential use to permit the construction of a single family dwelling measuring 695 square meters. This application has been reviewed from the Healthy Food System perspective.

The following are population health related comments for City of Kelowna staff, mayor and council to consider when making their decision.

### Healthy Food Systems

Interior Health has an interest in protecting agricultural land as a way to support our community's food security. Food security is vital to the health and well-being of a community and is the foundation for healthy eating. Food security has been recognized as a key public health issue by the BC Ministry of Health. Interior Health ensures the delivery of key government priorities to increase food security.

- This non-farm use application for a principal residence of more than 500m<sup>2</sup> does not appear to preserve farm land nor support food security into the future. As per the Healthy Built Environment Linkages Toolkit, an evidenced based planning solution to protect farmland is to restrict size of housing on agriculture land. The ALC has restricted housing size to 500m<sup>2</sup> as a way to ensure the preservation of farmland for future food needs.
- Farmland preservation helps to maintain a level of food production that contributes to food self-sufficiency, and food self-sufficiency increases food security and supports healthy eating.
- Food self-sufficiency in BC is increasingly important, as extreme weather will affect food production in California and elsewhere. Currently, California supplies 40%-50% of BC's imported fruits and vegetables.

Best Regards,

Jill Worboys  
Public Health Dietitian  
Healthy Communities

**Bus:** 250-469-7070 Ext 12292  
**Fax:** 250-868-7760  
**Email:** Jill.Worboys@interiorhealth.ca  
**Web:** www.interiorhealth.ca

INTERIOR HEALTH  
POPULATION HEALTH  
3rd Floor 505 Doyle Avenue, Kelowna, BC V1Y 0C5

Regional District of Central Okanagan (RDCO)

June 25, 2019



Thank you for the opportunity to comment on the above-noted referral. Upon review, the proposal does not support the Regional Growth Strategy's Our Food policies and goal to support a regional food system that is healthy, resilient and sustainable.

The Central Okanagan has strong agricultural roots and this sector has been important in defining the region and its growth pattern. With changes in population, pressures of development, increased climate impacts, water pressures, and more focus on local food production for sustainability, these changes have raised more awareness on food systems from cultivating and planting to consumption to the compost heap, and back again. Today, food policies appear on the agenda of dozens of municipal governments across North America and beyond. Future planning can help ensure food systems are adequately addressed in growth management decisions.

Sincerely,

Janelle Taylor, Planner

Planning Services, Community Services | Janelle.Taylor@cord.bc.ca

Regional District of Central Okanagan | [www.regionaldistrict.com](http://www.regionaldistrict.com) | [www.rdcogis.com](http://www.rdcogis.com)

Ph: 250-469-6227 | Fax: 250-762-7011

<b>ATTACHMENT H</b>	
This forms part of application	
# A19-0009	
Planner Initials	AT
 City of Kelowna COMMUNITY PLANNING	

**CITY OF KELOWNA**

## MEMORANDUM

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**Date:** June 11, 2019  
**File No.:** A19-0009  
**To:** Community Planning Services (AT)  
**From:** Development Engineering Manager (JK)  
**Subject:** 298 Cornish Rd. Non-Adhering residential use

---

The Development Engineering comments regarding this application for Non-Adhering residential use for a single family home with floor area greater than 500m<sup>2</sup>(695m<sup>2</sup>):

**1. DOMESTIC WATER**

The subject property is located within the Black Mountain Irrigation District (BMID). All fees and upgrades must be dealt with BMID directly.

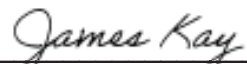
**2. SANITARY SEWER**

Proposed on-site servicing will be reviewed by the Interior Health Authority and Building & Permitting.

**3. DRIVEWAY ACCESS**

Driveway from Cornish Rd. maximum 6.0m permitted.

Development Engineering has no additional comments at this point in time with regard to this application, however, the Land Capability Assessment Report will be assessed at the time of development application submission when the Agricultural Land Commission agrees to the proposed activity on the subject property.

  
James Kay, P.Eng.  
Development Engineering Manager

agm

# REPORT TO COUNCIL



**Date:** September 9, 2019

**To:** Council

**From:** City Manager

**Department:** Development Planning - Urban

**Application:** Z19-0094

**Owner:** Jordan Alexander Menzies

**Address:** 779 Barnaby Road

**Applicant:** Westerkamp Design Inc.

**Subject:** Rezoning Application

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RR2 – Rural Residential 2

Proposed Zone: RU6 – Two Dwelling Housing

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## 1.0 Recommendation

THAT Rezoning Application No. Z19-0094 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 357 Similkameen Division District Plan 25419, located at 779 Barnaby Road, Kelowna, BC from the RR2 – Rural Residential 2 zone to the RU6 – Two Dwelling Housing zone be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated September 9, 2019;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the registration on the subject property of a Section 219 No Disturb Covenant to ensure the protection of steep slopes in the rear of the subject property as identified in Schedule "B".

## 2.0 Purpose

To rezone the subject property to facilitate the development of two dwelling housing.

## 3.0 Development Planning

Development Planning Staff are supportive of the proposed rezoning application to facilitate the development of an additional single-family house on the subject property. The RU6 – Two Dwelling Housing zone is consistent with the property's Official Community Plan (OCP) Future Land Use designation of S2RES



– Single / Two Unit Residential and the property is within the Permanent Growth Boundary. Council Policy No. 367 with respect to public consultation was undertaken by the applicant.

As a condition of this rezoning application, the applicant will be required to register a Section 219 No-Disturb Covenant on the title of the subject property. This covenant is required to prevent any development from taking place on the steep slopes located on the south portion of the property behind the existing dwelling.

#### 4.0 Proposal

##### 4.1 Project Description

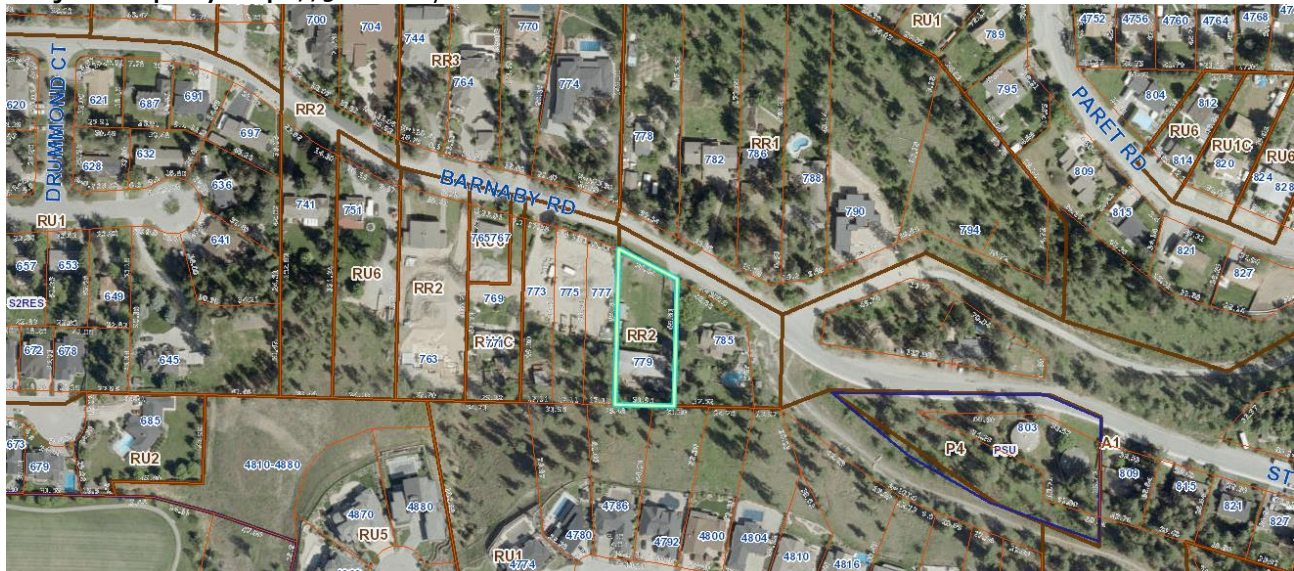
Currently there is an existing single-family dwelling on the south portion of the subject property. The site plan provided by the applicant indicates that, should the rezoning be approved, the existing single-family dwelling would be retained and an additional single-family dwelling would be built at the front of the property adjacent to Barnaby Road. Parking is to be met through attached garages, and adequate private open space is to be provided through patios, decks, and other outdoor areas. Overall, the proposed development meets Zoning Bylaw regulations and no variances are being requested.

##### 4.2 Site Context

The subject property is on Barnaby Road near the intersection with Paret Road and is in the Southwest Mission City Sector. The neighbourhood mainly consists of single-family housing with some properties zoned for carriage houses and two dwelling housing in proximity. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR1 – Rural Residential 1	Single Dwelling Housing
East	RR2 – Rural Residential 2	Single Dwelling Housing
South	RU1 – Large Lot Housing	Single Dwelling Housing
West	RU1 – Large Lot Housing	Single Dwelling Housing

**Subject Property Map: 779 Barnaby Road**



## **5.0 Current Development Policies**

### **5.1 Kelowna Official Community Plan (OCP)**

#### **Chapter 5: Development Process**

##### ***Objective 5.3 Focus development to designated growth areas***

*Policy .2 Compact Urban Form.* 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 per ha 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 in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

### **5.2 Zoning Bylaw No. 8000**

#### **RU6 – Two Dwelling Housing**

The intent of this zone is to provide a land use for a maximum of two dwelling units per lot. Principal uses include single dwelling housing and two dwelling housing. The maximum site coverage of buildings is 40% and the maximum building height is the lesser of 9.5 m or 2.5 storeys.

## **6.0 Application Chronology**

Date of Application Received: June 5, 2019

Date Public Consultation Completed: July 16, 2019

**Report prepared by:** Arlene Janousek, Planner

**Reviewed by:** Laura Bentley, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

#### **Attachments:**

Schedule "A": Development Engineering Memo

Schedule "B": Proposed Site Plan with Covenant Location

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## CITY OF KELOWNA

# MEMORANDUM

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**Date:** July 23, 2019  
**File No.:** Z19-0094  
**To:** Land Use Management Department (AJ)  
**From:** Development Engineering Manager (JK)  
**Subject:** 779 Barnaby Road Lot A Plan 25419

<b>SCHEDULE</b>		<b>A</b>
<small>This forms part of application</small> <b># Z19-0094</b>		
<small>Planner Initials</small>	<div style="border: 1px solid black; padding: 2px; display: inline-block;"><b>AJ</b></div>	 <b>City of Kelowna</b> <small>DEVELOPMENT PLANNING</small>

---

The Development Engineering comments and requirements regarding this application to rezone current property from RR2 to RU6 Lots are as follows:

The Development Engineering Technologist for this project is John Filipenko. AScT

### **.1 Water**

- a) The subject property is currently serviced with a 19mm PVC water service. One metered water service will be required for the development. The disconnection of the existing small diameter water services and the tie-in of a larger new 50mm service is the developer's responsibility. You can engage an engineer and contractor to manage the work on your behalf or it can be provided by City forces at the developer's expense. If you chose to have it completed by City forces, you will be required to sign a Third-Party Work Order and pre-pay for the cost of the water service upgrades. For estimate inquiries please contact John Filipenko by email [jfilipenko@kelowna.ca](mailto:jfilipenko@kelowna.ca).

### **.2 Sanitary Sewer**

- a) Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service complete with inspection chamber (IC) A brooks box shall be installed over the inspection chamber lid at time of boulevard landscaping.

### **.3 Drainage**

- a) Provide a detailed Lot Grading Plan that shows the design and location of retaining walls and on-site ground disposal of drainage water

### **.4 Roads**

- a) Barnaby Road is designated as urban class 1 collector road (City Standard SS-R5)
- b) Upgrade the road frontage to a full urban standard including fillet pavement, curb and gutter, sidewalk, piped drainage system including drywells and catch-basins and street lights. Adjust and/or re-locate

existing utility appurtenances if required to accommodate this construction.

- c) Boulevard landscaping behind the sidewalk shall include one street tree that can be completed together with the onsite landscaping and irrigation work.
- d) A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be **\$42,469.00** not including utility service cost.
- e) Verify that the physical driveway access locations for the proposed lots will satisfy City requirements. Re-locate existing poles and utilities, where necessary.

#### **.6 Power and Telecommunication Services and Street Lights**

- a) The existing house is served by overhead wiring. The service must be converted to an underground connection. The proposed new lot must also be serviced with an underground connections.
- b) Before making application for approval of your subdivision plan, please make arrangements with FortisBC for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application for final approval.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing

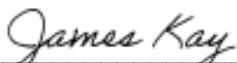
#### **.7 Bonding and Levy summary**

(i) Levies

(1) Barnaby St. Frontage Improvements **\$42,469.00**

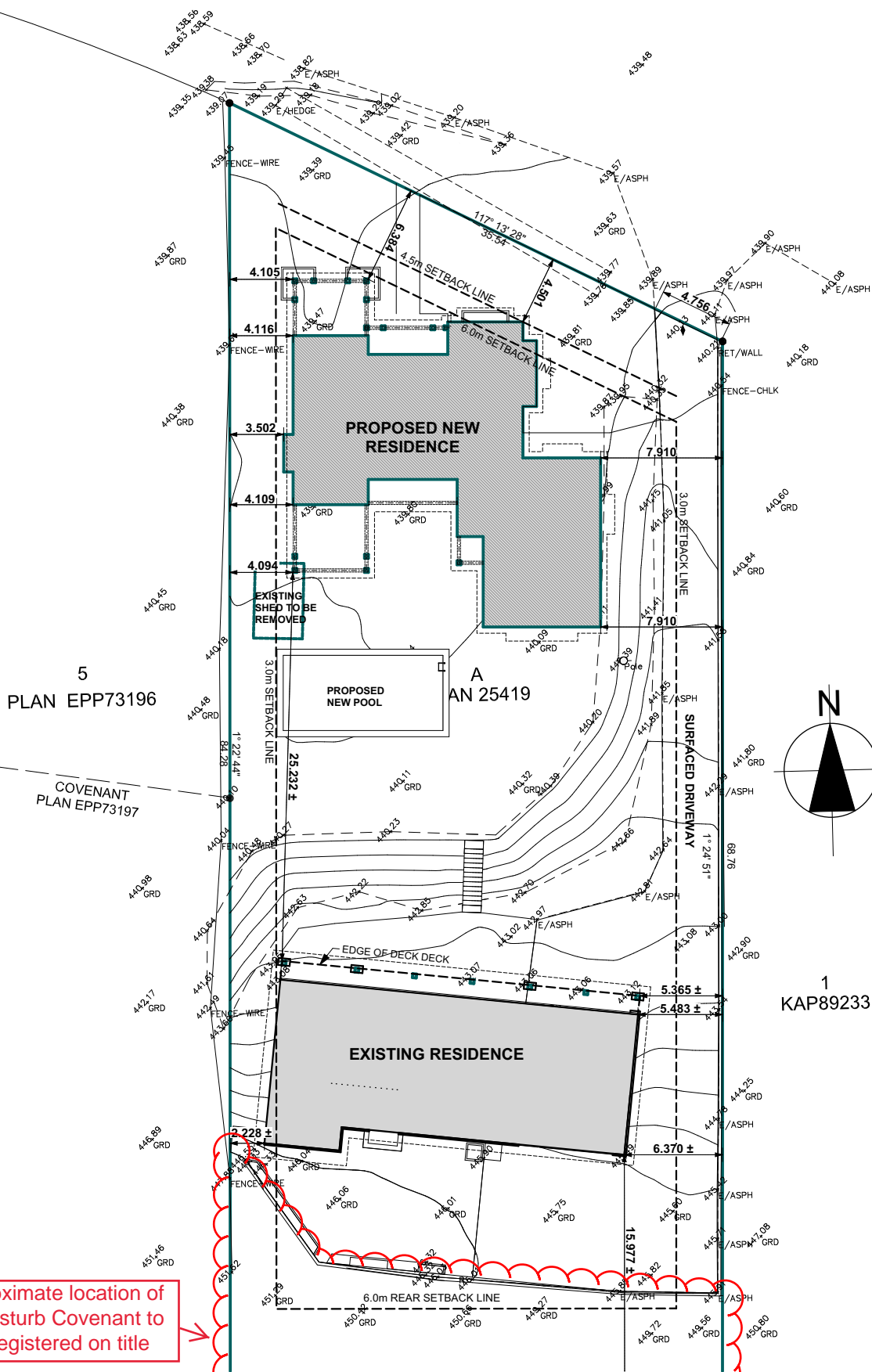
(ii) Bonding

(1) Service upgrades **To be determined**

  
 \_\_\_\_\_  
 James Kay, P.Eng.  
 Development Engineering Manager

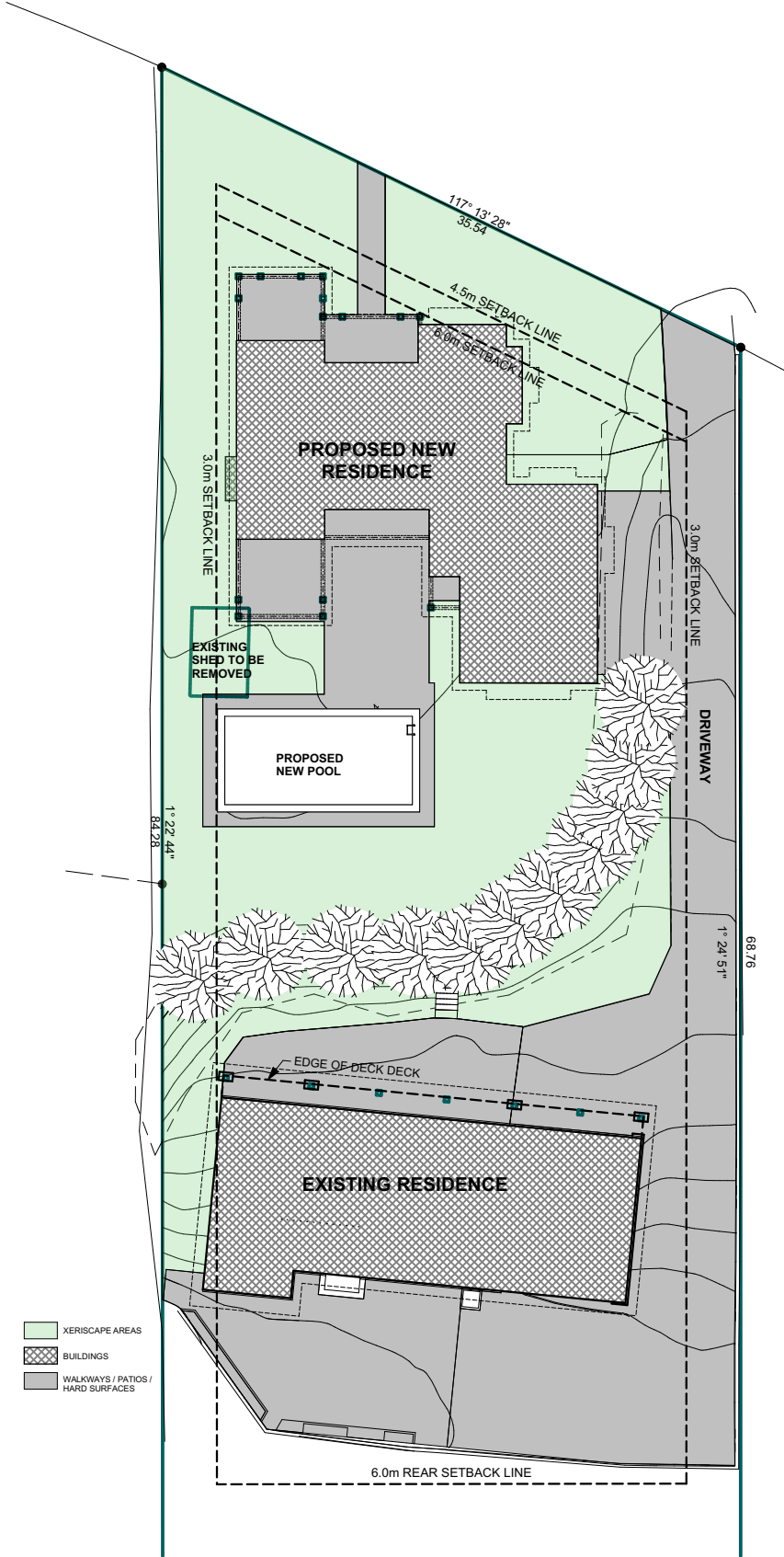
JF





DP Site Plan

SCALE: 1/32" = 1'-0"



DP Landscape Plan

SCALE: 1/32" = 1'-0"

## SCHEDULE B

This forms part of application  
# Z19-0094

Planner  
Initials AJ

City of  
**Kelowna**  
DEVELOPMENT PLANNING



FELIX WESTERKAMP, dipl-ing(FH)

1587 SUTHERLAND AVENUE  
KELOWNA, B.C. V1Y 5Y7  
(250) 878-7846

e-mail: bauhaus1@shaw.ca  
web: www.bauhausdesigns.com

### 779 BARNABY ROAD, KELOWNA, BC

**LEGAL DESCRIPTION:** LOT A, DISTRICT LOT 357,  
S.D.Y.D., PLAN 25419

**ZONING:** RU6 - TWO DWELLING HOUSING

#### **SITE DETAILS:**

LOT AREA:	2446.00 m <sup>2</sup>	700m <sup>2</sup> MIN.
LOT WIDTH:	35.54 m	18m MIN.
LOT DEPTH:	76.52 m	30m MIN.

FOOTPRINT AREA OF EXISTING DWELLING:	220.65 m <sup>2</sup>
FOOTPRINT AREA OF NEW DWELLING:	275.86 m <sup>2</sup>
AREA OF DRIVEWAY(S) & PARKING:	449.93 m <sup>2</sup>

#### **SITE COVERAGE (%):**

LOT COVERAGE OF BUILDINGS ONLY:	20.30 %	40% MAX.
BUILDINGS, DECKS & DRIVEWAYS:	38.69 %	50% MAX.

#### **EXISTING DWELLING DETAILS:**

TOTAL FLOOR AREA:	317.95 m <sup>2</sup>	
HEIGHT OF BUILDING:	7.000 m	9.5m MAX.
SETBACKS (IN METRES):		
FRONT (NORTH) DIST. FROM NEW DWELLING:	25.242 m	4.5m MIN.
SIDE (WEST):	2.228 m	2.3m MIN.
SIDE (EAST):	5.365 m	2.3m MIN.
REAR (SOUTH):	15.977 m	6.0m MIN.

#### **NEW DWELLING DETAILS:**

TOTAL FLOOR AREA:	387.03 m <sup>2</sup>	
HEIGHT OF BUILDING:	7.498 m	9.5m MAX.
SETBACKS (IN METRES):		
FRONT (NORTH):	4.501 m	4.5m MIN.
SIDE (WEST):	4.107 m	2.3m MIN.
SIDE (EAST):	7.910 m	2.3m MIN.
REAR (SOUTH) DISTANCE FROM EXIST. DWELLING:	25.242 m	7.5m MIN.

#### **MISC. DATA:**

DISTANCE BETWEEN BUILDINGS:	25.242 m	4.5m MIN.
NUMBER OF PARKING STALLS:	4	4 MIN.
SIZE OF PARKING STALL:	2.5 x 6.0 m	
PRIVATE OPEN SPACE PER UNIT (m <sup>2</sup> )	30+ m <sup>2</sup>	30m <sup>2</sup> MIN.

PROJECT :  
**J. & G. MENZIES NEW RESIDENCE**  
779 BARNABY ROAD KELOWNA, BC

TITLE :  
**Site Plan & Landscape Plan**

CUSTOMER :  
JORDAN A. MENZIES

CIVIC :  
779 BARNABY ROAD KELOWNA, BC

LEGAL :  
LOT A, DISTRICT LOT 357, S.D.Y.D.,  
PLAN 25419

REVISED :

REVISED :

REVISED :

REVISED :

SCALE :  
AS NOTED

DATE :  
5/14/2019

SHEET :

DP-003

**CITY OF KELOWNA**  
**BYLAW NO. 11925**  
**Z19-0094 – 779 Barnaby Road**

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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 357 Similkameen Division District Plan 25419, located on Barnaby Road, Kelowna, BC from the RR2 – Rural Residential 2 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

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

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Mayor

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City Clerk

# REPORT TO COUNCIL



**Date:** September 9, 2019

**To:** Council

**From:** City Manager

**Department:** Development Planning – Urban

**Application:** Z19-0066

**Owner:** Uri Yarkoni

**Address:** 2483 Ethel Street

**Applicant:** Uri Yarkoni

**Subject:** Rezoning Application

---

## **1.0 Recommendation**

THAT Rezoning Application No. Z19-0066 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 District Lot 136 ODYD Plan 41733, located at 2483 Ethel Street, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated June 4, 2019.

## **2.0 Purpose**

To consider an application to rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to facilitate an additional single family dwelling on the subject property.

## **3.0 Development Planning**

Staff support the proposed rezoning from RU1 – Large Lot Housing zone to RU6 – Two Dwelling Housing zone as it is in line with the Official Community Plan (OCP) Future Land Use Designation of S2RES – Single / Two Unit Residential for the subject property and is located within the Permanent Growth Boundary. The property is fully serviced and is in close proximity to transit, parks and schools. It is therefore consistent with the OCP Urban Infill Policy of Compact Urban Growth. These policies state that growth should occur in areas that are already serviced and have access to transit, and that growth should be designed to be sensitive to the existing character of the neighbourhood.

The addition of a second single family dwelling on the property represents a modest increase in density and the proposal should sensitively integrate with the neighboring properties.

#### 4.0 Proposal

##### 4.1 Project Description

The proposed rezoning from RU1 to RU6 would facilitate the development of a second single family dwelling on the subject property. The property has an OCP Future Land Use of S2RES – Single/Two Unit Residential, is fully serviced and is located within the Permanent Growth Boundary. The subject property is suitable for an increase in density as it is located near transit routes with access to parks and schools.

##### 4.2 Background

The subject property currently has an existing single family dwelling with an attached carport. The existing carport is proposed to be removed from the building to facilitate access to the rear of the property where the second home is proposed.

##### 4.3 Site Context

The subject property is located in the South Pandosy – KLO City Sector near the intersection of Morrison Ave and Ethel St, just south east of Cameron Park. It is in close proximity to transit routes located along Gordon Dr and Pandosy St. The surrounding neighbourhood is largely comprised of Ru1 – Large Lot Housing and RU7 – Infill Housing zoned properties with some RU6 – Two Dwelling Housing zoned properties. The surrounding Future Land Use designations include S2RES – Single / Two Unit Residential and SIH – Sensitive Infill Housing.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6B – Two Dwelling Housing with Boarding or Lodging House	Residential
East	RU1 – Large Lot Housing	Residential
South	RU6 – Two Dwelling Housing	Residential
West	RU7 – Infill Housing	Residential

**Subject Property Map: 2483 Ethel Street**





## **5.0 Current Development Policies**

### **5.1 Kelowna Official Community Plan (OCP)**

#### **Chapter 5: Development Process**

##### *Objective 5.3 Focus development to designated growth areas*

*Policy .2 Compact Urban Form.* 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.

##### *Objective 5.22 Ensure context sensitive housing development*

*Policy .6 Sensitive Infill.* Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

## **6.0 Technical Comments**

### **6.1 Development Engineering Department**

- See attached memorandum dated June 4, 2019

## **7.0 Application Chronology**

Date of Application Received: April 16, 2019

Date Public Consultation Completed: July 24, 2019

**Report prepared by:** Andrew Ferguson, Planner I

**Reviewed by:** Laura Bentley, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

### **Attachments**

Schedule A: Development Engineering Memo

Attachment A: Conceptual Site Plan

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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** June 4, 2019  
**File No.:** Z19-0066  
**To:** Community Planning (AF)  
**From:** Development Engineering Manager (JK)  
**Subject:** 2483 Ethel Street

<b>SCHEDULE</b>	<b>A</b>
This forms part of application # Z19-0066	
Planner Initials	AF
 City of <b>Kelowna</b> DEVELOPMENT PLANNING	

RU1 to RU6

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The Development Engineering Department has the following comments and requirements associated with this rezoning application. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technologist for this project is Jason Angus.

**1. Domestic Water and Fire Protection**

- (a) The subject property is currently serviced with a 19mm water service. One metered water service will be required for the development. The disconnection of the existing small diameter water services and the tie-in of a larger new 50mm service is the developer's responsibility. You can engage an engineer and contractor to manage the work on your behalf or it can be provided by City forces at the developer's expense. If you chose to have it completed by City forces, you will be required to sign a Third-Party Work Order and pre-pay for the cost of the water service upgrades. For estimate inquiries please contact Mike Thomas, by email [mthomas@kelowna.ca](mailto:mthomas@kelowna.ca) or phone, 250-469-8797.

**2. Sanitary Sewer**

- (a) Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service. An inspection chamber (IC) complete with brooks box should be installed on the service at the owner's cost. Service upgrades can be provided by the City at the applicant's cost. The applicant can engage an engineer and contractor to manage the work on your behalf or it can be provided by City forces at the developer's expense. If you chose to have it completed by City forces, you will be required to sign a Third-Party Work Order and pre-pay for the cost of the water service upgrades. For estimate inquiries please contact Mike Thomas, by email [mthomas@kelowna.ca](mailto:mthomas@kelowna.ca) or phone, 250-469-8797.

**3. Road Improvements**

- (a) Ethel Street is designated an urban linear corridor road. Frontage improvements required include curb and gutter, separate sidewalk, piped storm drainage system, road works, landscaped boulevard complete with underground irrigation system, and street lights. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be **\$42,386.81** not including utility service cost

<b>SCHEDULE</b>		<b>A</b>
This forms part of application		
# Z19-0066		
Planner Initials	AF	 <b>City of Kelowna</b> DEVELOPMENT PLANNING

**4. Development Permit and Site Related Issues**

- (a) Direct the roof drains into on-site rock pits or splash pads.

**5. Electric Power and Telecommunication Services**

- (a) The electrical and telecommunication services to this building must be installed in an underground duct system, and the building must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

**6. Other Engineering Comments**

- (a) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

**7. General**

- (a) The postal authorities must be contacted to determine whether or not a "community mailbox" will be utilized. Please contact the Canadian Post Corporation, Delivery Services, P.O. Box 2110, Vancouver, B.C. V6B 4Z3 (604) 662-1381 in this regard.


**8. Bonding and Levy Summary**

(i) Levies

(1) Ethel St. Frontage Improvements	<b>\$42,386.81</b>
-------------------------------------	--------------------

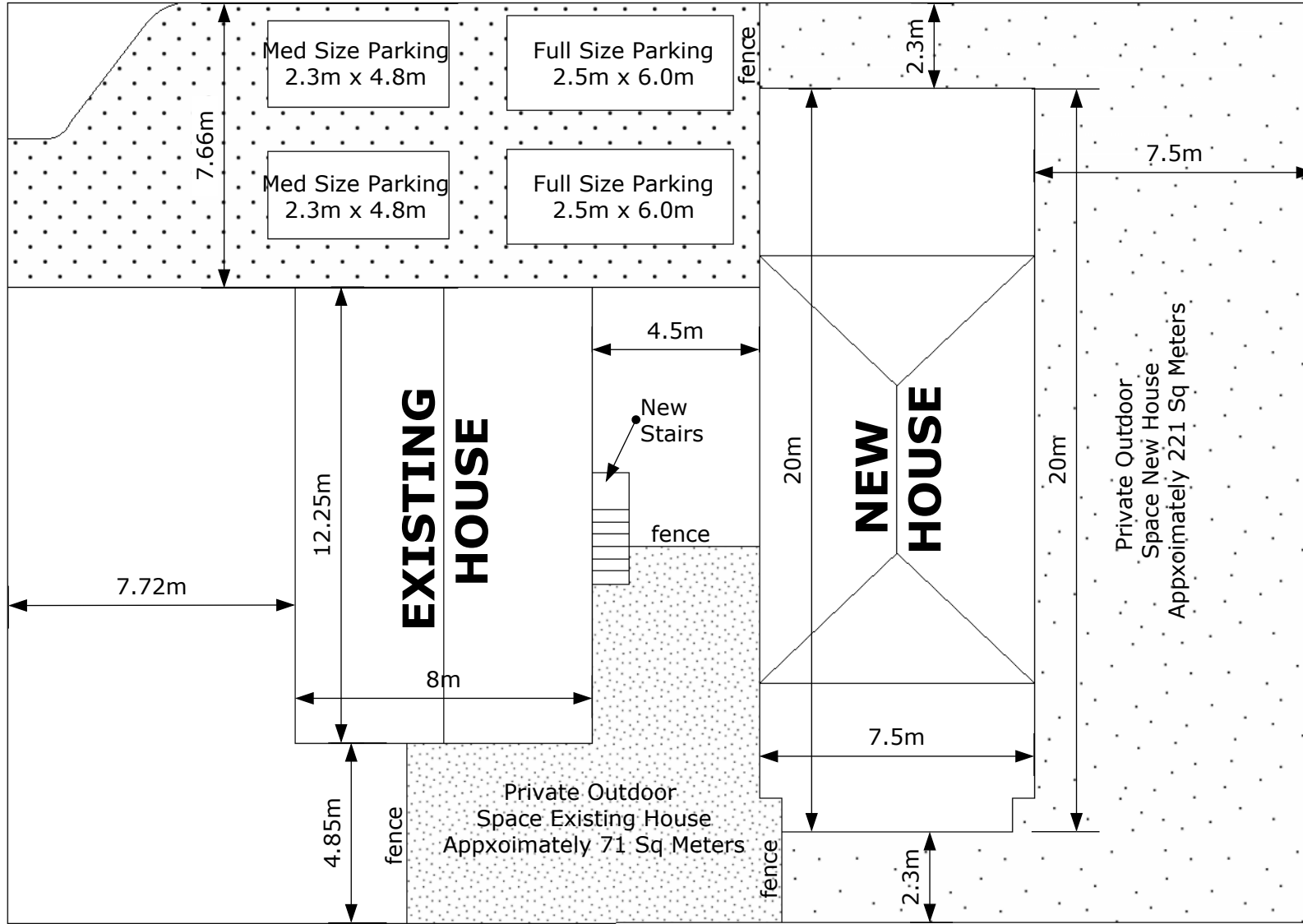
(ii) Bonding

(1) Service upgrades	<b>To be determined</b>
----------------------	-------------------------

  
 \_\_\_\_\_  
 James Kay, P. Eng.  
 Development Engineering Manager

JA

# ETHEL STREET



**ATTACHMENT A**

This forms part of application  
# Z19-0066

Planner Initials **AF**

City of **Kelowna**  
DEVELOPMENT PLANNING

Project - 2483 Ethel Street  
Legal Description - Lot 1 District  
Lot 136 ODYD Plan 41733

Description - Site Plan  
Page 3 of 6

Prepared by - Uri Yarkoni  
UriYarkoni1900@gmail.com  
250-212-3206

**CITY OF KELOWNA**  
**BYLAW NO. 11927**  
**Z19-0066 – 2483 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 City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1 District Lot 136 ODYD Plan 41733, located on Ethel Street, 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

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



# REPORT TO COUNCIL



**Date:** September 9, 2019

**To:** Council

**From:** City Manager

**Department:** Development Planning - Urban

**Application:** Z19-0099

**Owner:** Helga Schouten

**Address:** 4309 Gordon Drive

**Applicant:** Helga Schouten

**Subject:** Rezoning Application

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU1c – Large Lot Housing with Carriage House

---

## 1.0 Recommendation

THAT Rezoning Application No. Z19-0099 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 23 District Lot 358 ODYD Plan 19018, located at 4309 Gordon Drive, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration.

## 2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone to facilitate the development of a carriage house.

## 3.0 Development Planning

Development Planning Staff are supportive of the proposed rezoning application to facilitate the development of a carriage house on the subject property. This rezoning application is consistent with the Official Community Plan (OCP) Future Land Use designation of the subject property, which is S2RES – Single / Two Unit Residential. S2RES supports up to two units on a property including single detached homes, single detached homes with a secondary suite or carriage house, semi-detached buildings used for two dwelling units, and other complementary uses. The subject property is connected to City sewer and is within the Permanent Growth Boundary.

The applicant has submitted conceptual drawings for a one storey carriage house indicating that it can be constructed to meet all Zoning Bylaw requirements without any variances. Parking requirements are

proposed to be met through the existing garage and driveway. The applicant confirmed the completion of public notification in accordance with Council Policy No. 367.

#### 4.0 Proposal

##### 4.1 Project Description

The applicant has provided conceptual drawings that propose a one storey carriage house to be constructed in the eastern portion of the property behind the existing single-family dwelling.

##### 4.2 Site Context

The subject property is in the North Mission – Crawford City Sector and fronts onto Gordon Drive between Young Road to the north and Hazel Road to the south. The neighbourhood consists predominantly of single-dwelling housing with some two-dwelling housing in proximity. The Walk Score of the subject property is 34; most errands require a car. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Dwelling Housing
East	RU1 – Large Lot Housing	Single Dwelling Housing
South	RU6 – Two Dwelling Housing	Two Dwelling Housing
West	RU1 – Large Lot Housing	Single Dwelling Housing

**Subject Property Map:** 4390 Glenmore Drive



#### 5.0 Current Development Policies

##### 5.1 Kelowna Official Community Plan (OCP)

###### Chapter 1: Introduction

###### *Goals for a Sustainable Future:*

Contain Urban Growth – Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

###### Chapter 5: Development Process

###### *Objective 5.3 Focus development to designated growth areas*

*Policy .2 Compact Urban Form.* 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 per ha located within a 400 meter walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within the Urban Centres (see Map 5.3) in particular and in existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

*Objective 5.22 Ensure Context Sensitive Housing Development*

*Policy .12 Carriage Houses & Accessory Apartments.* Support carriage houses and accessory apartments through appropriate zoning regulations.

*Policy .6 Sensitive Infill.* Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height, and siting.

5.2 Zoning Bylaw No. 8000

*Section 13.1 – RU1c – Large Lot Housing with Carriage House*

The purpose is to provide a zone for single detached housing, and compatible secondary uses, on larger serviced urban lots.

**6.o Application Chronology**

Date of Application Received: June 12, 2019

Date Public Consultation Completed: July 24, 2019

**Report prepared by:** Arlene Janousek, Planner

**Reviewed by:** Laura Bentley, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

**Attachments:**

Schedule A: Site Plan

CIVIC ADDRESS

4309 GORDON DRIVE,  
KELOWNA, B.C.  
V1W 1S6

LEGAL DESCRIPTION

LOT 23  
DISTRICT: LOT 35B  
PLAN: 19018

DRAWING INDEX

A1. SITE PLAN, GENERAL NOTES, FLOOR AREA SUMMARY & LEGEND  
A2. CRAWLSPACE / FOUNDATION PLAN  
A3. MAIN FLOOR PLAN  
A4. ELEVATIONS

SET BACKS

EXT'G RESIDENCE 3.0m  
FLL 9.0m  
RLL 2.0m  
BSL 2.0m

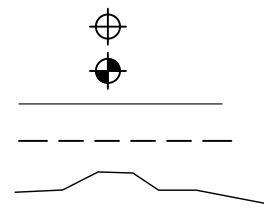
FLOOR AREA SUMMARY

EXISTING RESIDENCE AREA: 3261.73 Ft<sup>2</sup> (303.02m<sup>2</sup>)  
TOTAL FINISHED FLOOR AREA: 1034.75 Ft<sup>2</sup> (96.13m<sup>2</sup>)  
TOTAL AREA: 1034.75 Ft<sup>2</sup> (96.13m<sup>2</sup>)

TOTAL DECK AREA: 138 Ft<sup>2</sup>  
TOTAL AREA: 138 Ft<sup>2</sup>

SITE LEGEND

EXISTING GRADE  
PROPOSED GRADE  
PROPERTY LINE  
BUILDING ENVELOPE  
CONTOUR LINES



LEGEND

- 2 X 4 FRAMED WALL
- 2 X 6 FRAMED WALL
- STRUCTURAL POST
- STRUCTURAL MEMBER
- CONCRETE FOUNDATION WALL
- CONCRETE FOOTINGS
- DIRECTION OF STRUCTURAL MEMBERS
- CROSS SECTION MARKER  
SECTION IDENTIFICATION  
INDICATES DIRECTION OF VIEW  
SHEET # OF SECTION DRAWING
- DETAIL MARKER

GENERAL NOTES

- ALL CONSTRUCTION MATERIALS & WORKMANSHIP TO BE IN ACCORDANCE WITH CURRENT EDITIONS OF THE B.C. BUILDING CODE, PLUMBING CODE, ELECTRICAL CODE & ALL OTHER CODES & BYLAWS.
- THE CONTRACTOR IS RESPONSIBLE TO THE REVIEW OF THE SITE & ALL DRAWINGS PRIOR TO CONSTRUCTION, AND REPORT ANY ERRORS OR OMISSIONS TO THE DESIGNER PRIOR TO PURCHASING MATERIALS OR STARTING WORK.
- LARGE SCALE DRAWINGS AND DETAILS TAKE PRECEDENCE OVER SMALLER DRAWINGS, DO NOT SCALE DRAWING FOR DIMENSIONS.
- THE GENERAL CONTRACTOR SHALL COORDINATE ALL SUB-TRADES PRIOR TO CONSTRUCTION AND REPORT ANY CHANGES OR REVISIONS TO THE DESIGNER PRIOR TO STARTING WORK.
- ALL LOAD BEARING STUDS, FLOOR JOISTS AND BEAMS TO BE #2 SPF KD.
- CONCRETE FOOTING AND WALL STRENGTH: MIN 20MPa @ 28 DAYS FLOOR SLABS & SIDEWALKS - MIN. 28 MPa @ 28 DAYS
- ALL CONCRETE TO BE PLACED ON ORIGINAL UNDISTURBED GROUND FREE OF ALL ORGANIC, FROZEN OR PROSTY MATERIAL. ANY FILL MATERIAL TO BE COMPACTED AND APPROVED BY A SOIL ENGINEER
- SITE SERVICING PLUMBING, MECHANICAL & ELECTRICAL DESIGN AND DRAWINGS TO BE PREPARED BY OTHERS IN ACCORDANCE WITH THE REQUIREMENTS OF MUNICIPAL STANDARDS.
- ALL TRUSSES TO BE ENGINEERED, ERECTION AND BRACING TO BE APPROVED BY TRUSS SUPPLIER.
- CONTRACTOR TO VERIFY ALL PROPERTY LINES & FOUNDATION LINES WITH A LEGAL LAND SURVEYOR PRIOR TO PLACING ANY CONCRETE.
- 4" PERFORATED DRAIN PIPE WITH 6" COVER DRAIN ROCK COVERED WITH FILTER PAPER AROUND PERIMETER
- CONCRETE DAMPROOFING TO BE 2 LAYERS SPRAYED TO GRADE
- HEATED CRAWL SPACES TO BE INSULATED WITH R12 RIGID INSULATION
- ATTIC VENTING 1/ 300
- ROOF DESIGNED TO WITHSTAND 1.5 kPa DESIGN SNOWLOAD
- FOUNDATION DRAINAGE TO BE PLACED AT THE FOOTINGS AND TIED TO A ROCK PIT NO LESS THAN 5 M FROM THE BUILDING OR CIVIC DRAINAGE SYSTEM.
- ALL ENGINEERED PRODUCTS TO BE USED ACCORDING TO MANUFACTURES SPECIFICATIONS

THE CONTRACTOR SHALL MAKE ALL NECESSARY PERMIT APPLICATIONS, ARRANGE FOR INSPECTIONS AND NECESSARY HOOKUPS AS REQUIRED.

THE CONTRACTOR SHALL SLOPE FINISH GRADE, PATIO SLABS AND CONCRETE WALKS AWAY FROM THE BUILDING AT A MINIMUM OF 1/ 4" = 1'-0" OR ALL TO ELEVATIONS SET ON THE SITE PLAN TO SUIT DRAINAGE

ENSURE ALL PLUMBING WASTE STACKS IN EXTERIOR AND INTERIOR WALLS AS WELL AS VENT STACKS IN EXTERIOR WALLS ARE SURROUNDED WITH A MINIMUM OF R-17 BATT INSULATION

BACKING SHALL BE PROVIDED FOR ALL CABINETS, MIRRORS, WALL FIXTURES, ETC.

HEAT SYSTEMS SHALL BE COORDINATED WITH HEATING CONTRACTORS AND APPROVED BY OWNERS PRIOR TO INSULATION

ALL WINDOW AND DOOR SIZES SHALL BE CONFIRMED BY ON SITE MEASUREMENTS

ALL PLYWOOD FLOORING IS TO BE GULLED AND SCREWED IN PLACE

ALL JOIST TO HAVE CROSS BRIDGING

SCHEDULE

A

This forms part of application  
# Z19-0099

Planner  
Initials AJ

City of  
Kelowna  
DEVELOPMENT PLANNING

Drawing Title  
SITE PLAN &  
GENERAL NOTES

Drawn KRISTINA ENNIS  
Date AUG 20, 2019  
Scale AS NOTED

Sheet  
A1

**CITY OF KELOWNA**  
**BYLAW NO. 11930**  
**Z19-0099 – 4309 Gordon Drive**

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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 23 District Lot 358 ODYD Plan 19018, located on Gordon Drive, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House 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

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

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Mayor

---

City Clerk



# REPORT TO COUNCIL



**Date:** September 9, 2019

**To:** Council

**From:** City Manager

**Department:** Development Planning – Suburban, Rural

**Application:** Z19-0101

**Owner:** B.H.K.T. Holdings Ltd., Inc.No.  
BC0751350; Sukhdev Gill

**Address:** 1929 Fisher Road

**Applicant:** Jagdeep Toor

**Subject:** Rezoning Application

---

## **1.0 Recommendation**

THAT Rezoning Application No. Z19-0101 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 29 District Lot 130 ODYD Plan 17924, located at 1929 Fisher Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated September 9, 2019.

## **2.0 Purpose**

To consider an application to rezone the subject property from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone to facilitate the subdivision of the land.

## **3.0 Development Planning**

Development Planning supports the proposal to rezone the subject property to the RU1 – Large Lot Housing zone.

The subject property is outside of the Permanent Growth Boundary (PGB); however, several factors favor the proposed urban zone and subsequent subdivision in this instance. First, the lot is part of a neighbourhood that has been built out with single family and semi-detached homes. Second the lot already has 2 service connections for both water and sanitary sewer. Third, the lot is not adjacent to the Agricultural Land Reserve (ALR). Finally, the property has a Future Land Use designation of Single / Two Unit Residential (S2RES) which supports the RU1 zone.

#### 4.0 Proposal

##### 4.1 Background

The subject property and surrounding neighbourhood were originally subdivided in March, 1968, as part of a small subdivision of farmland adjacent to Benvoulin Rd. A second subdivision to the south of the property consisting of semi-detached homes was developed beginning in 2010. The neighbourhood is excluded from the Agricultural Land Reserve (ALR), though it is surrounded by ALR land.

##### 4.2 Project Description

The applicant proposes to rezone the property to RU1 – Large Lot Housing to allow for the future subdivision of the land, and the construction of a single family home on the newly created western lot. The existing home is positioned entirely on the eastern part of the lot, such that it can be preserved without violating setback requirements. The existing lot already has two service connections for both water and sanitary sewer—one connection services the existing home, and one that would connect to the newly built home on the western lot.

##### 4.3 Site Context

The lot contains a single family home on the eastern half, and a detached garage on the western half.

The lot is part of a small subdivision consisting of single family and semi-detached homes in the eastern part of the South Pandosy Sector. Most of the single family homes are on lots zoned A1 – Agriculture 1, though 4 of these lots have been rezoned to RU1. The semi-detached homes are part of a strata development zoned RU5 – Bareland Strata Housing. Though the neighbourhood is surrounded by ALR land, the subject property is not adjacent to such lands.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Single Family Home
East	A1 – Agriculture 1	Single Family Home
South	RU5 – Bareland Strata Housing	Semi-Detached Housing
West	A1 – Agriculture 1	Single Family Home

**Subject Property Map:** 1929 Fisher Rd.



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 4: Future Land Use

##### *Future Land Use Designation Definitions*

*Single / Two Unit Residential (S2RES):* Single detached homes for occupancy by one family, single detached homes with a secondary suite or carriage house, semi-detached buildings used for two dwelling units, modular homes, bareland strata, and those complementary uses (i.e. minor care centres, minor public services/utilities, convenience facility and neighbourhood parks), which are integral components of urban neighbourhoods. Suitability of non-residential developments within the neighbourhood environment will be determined on a site-specific basis. Nonresidential developments causing increases in traffic, parking demands or noise in excess of what would typically be experienced in a low density neighbourhood would not be considered suitable.

#### Chapter 5: Development Process

##### *Objective 5.3 Focus development to designated growth areas*

*Policy .1 Permanent Growth Boundary.* Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support development of properties outsid the PGB for more intensive use only to th extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except for Agri-Business designated sites. Land outside the PGB will not be supported for any further parcelization. The PGB may be reviewed as part of the next major OCP update.

*Policy .2 Compact Urban Form.* Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficiency settlement patterns. This will be done by increasing densities... in exsting areas as per the provisions of the Generalized Future Land Use Map 4.1.

## **6.0 Technical Comments**

### **6.1 Development Engineering Department**

- See Schedule A

## **7.0 Application Chronology**

Date of Application Received: July 2, 2019

Date Public Consultation Completed: August 22, 2019

## **8.0 Alternate Recommendation**

THAT Rezoning Application No. Z19-0101 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 29 District Lot 130 ODYD Plan 17924, located at 1929 Fisher Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone NOT be considered by Council.

**Report prepared by:** Aaron Thibeault, Planner II

**Reviewed by:** Dean Strachan, Community Planning & Development Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

## **Attachments**

Schedule A: Development Engineering Memo

Attachment A: Proposed Subdivision of Subject Property

Attachment B: Applicant Rationale

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## CITY OF KELOWNA

# MEMORANDUM

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**Date:** July 08, 2019  
**File No.:** Z19-0101  
**To:** Community Planning (AT)  
**From:** Development Engineering Manager (JK)  
**Subject:** 1929 Fisher Road

<b>SCHEDULE</b>		<b>A</b>
This forms part of application # Z19-0101		
Planner Initials	AT	 <b>City of Kelowna</b> <small>COMMUNITY PLANNING</small>

A1 to RU1

---

Development Engineering Department have the following comments and requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

### 1) General

- i) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement buildings may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.

### 2) Geotechnical Study.

- i) Provide a geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision. The Geotechnical reports must be submitted to the Development Services Department for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval:
  - (a) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
  - (b) Site suitability for development.
  - (c) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
  - (d) Any special requirements for construction of roads, utilities and building structures.



- (e) Recommendations for items that should be included in a Restrictive Covenant.
- (f) Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
- (g) Any items required in other sections of this document.
- (h) Additional geotechnical survey may be necessary for building foundations, etc

### **3) Water**

- i) The This property is currently serviced with 2-25mm-diameter copper water service. No Further upgrades are needed at this time.
- ii) An approved backflow protection device must also be installed on site as required by the City Plumbing Regulation and Water Regulation bylaws.
- iii) A water meter is mandatory for this development and must be installed inside a building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost

### **4) Sanitary Sewer**

- i) Our records indicate that this property is currently serviced with 2-100mm-diameter sanitary sewer service complete with inspection chamber (IC) which is adequate for this application.

### **5) Roads**

- i) Fisher Road is designated an rural collector road. Frontage improvements may include street lights, bike lane, gravel shoulder

### **6) Power and Telecommunication Services and Street Lights**

- i) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground.
- ii) Streetlights must be installed on all roads.
- iii) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- iv) Remove existing poles and utilities, where necessary. Remove aerial trespass (es).

## 7) Other Engineering Comments

- i) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- ii) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.
- iii) Direct the roof drains into on-site rock pits.
- iv) A maximum driveway width of 6m is to be designed to.

## 8) Design and Construction

- i) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- ii) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- iii) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- iv) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- v) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Engineering Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

## 9) Servicing Agreements for Works and Services

- i) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. **The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works.** The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- ii) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured

**10) Bonding and Cash-in-lieu Summary**i) Bonding

## (a) General Requirements

1. Fisher Road Improvements **\$TBD**

## (b) General Requirements

1. Utility Improvements **\$ TBD**

---

James Kay, P.Eng.  
Development Engineering Manager

JA

# ATTACHMENT A

This forms part of application

# Z19-0101

Planner  
Initials

AT

City of  
**Kelowna**  
COMMUNITY PLANNING

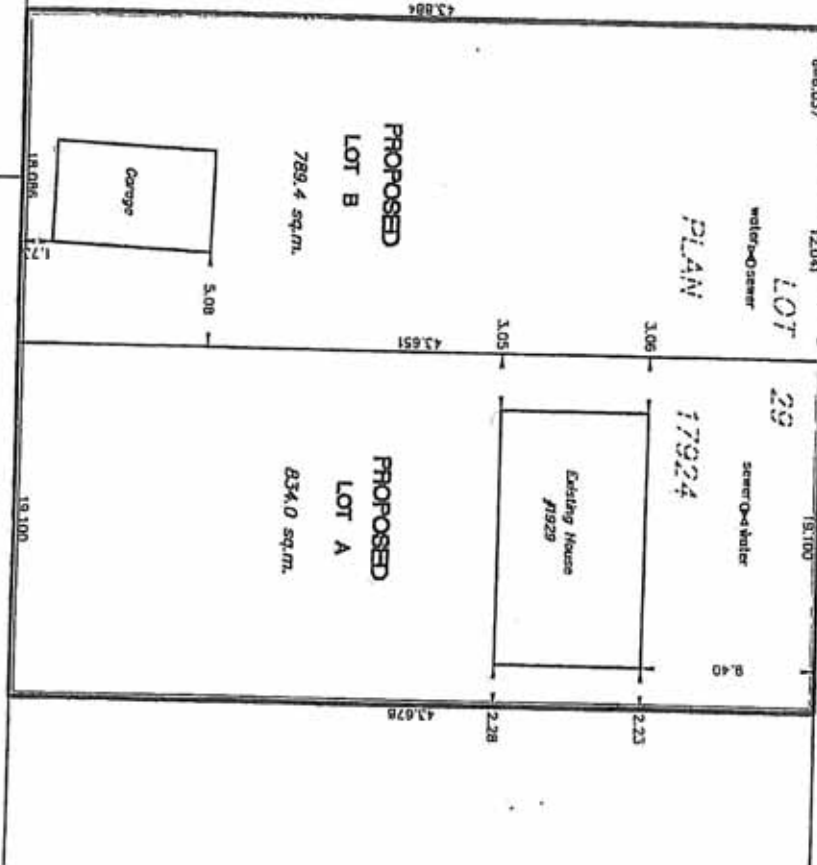


## NOTES:

- All distances are in metres and decimals thereof
- sq.m. - denotes square metres
- O - denotes sewer connection
- B - denotes water connection

PROPOSED SUBDIVISION OF  
LOT 29, PLAN 17924, DL130, OD.Y.D.

FISHER ROAD



Lot 1  
Plan 12786  
This plan lies within the Central Okanagan Regional District

Lot 64  
Plan 415  
Meinz Streets - August 30th, 2007.

**VAN GURP & COMPANY**  
land surveyors  
201-1470 St. Paul Street  
Kelowna, B. C. csw-763-5711  
FB 000 (000) File : 15637\_p.m.

<b>ATTACHMENT</b>		<b>B</b>
This forms part of application		
# Z19-0101		
Planner Initials	AT	 City of <b>Kelowna</b> COMMUNITY PLANNING

Date: April 29th, 2019

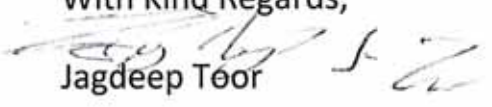
RE: DEVELOPMENT PROPOSAL FOR 1929 Fisher Road, LOT 29 O.D.Y.D. PLAN 17924

Dear Sir/Madam:

We are applying to rezone 1929 Fisher Road, LOT 29 O.D.Y.D. PLAN 17924 from A1 to the RU1 - Large Lot Housing zone in order to facilitate a two-lot subdivision in future. Our plan is to remodel and landscape the existing house which is sitting on one side of the lot. Second proposed lot B would be sold to one of the family of BHKT Holding Ltd (current owner). Our development plan would only beautify the Fisher road neighborhood without changing its character. The Fisher road neighborhood already have couple lots that are zoned RU-1.

We sincerely believe that our development proposal is very simple and reasonable and in line with present character of the neighborhood. If you have any questions, please contact me at [REDACTED]

With Kind Regards,

  
Jagdeep Teor



**CITY OF KELOWNA**  
**BYLAW NO. 11931**  
**Z19-0101 – 1929 Fisher 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 29 District Lot 130 ODYD Plan 17924, located on Fisher Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU1 – Large Lot 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

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

# Report to Council



**Date:** September 9, 2019  
**To:** Council  
**From:** City Manager  
**Subject:** Rescind Bylaw No. 11576 (Z17-0114) 5008 South Ridge Drive  
**Department:** Development Planning Department

---

## **Recommendation:**

THAT Council receives, for information, the Report from the Community Planning Department dated September 9, 2019 with respect to Bylaw No. 11576 for Rezoning Application No. Z17-0114 for the property located at Lot 2, DL 1688S SDYD Plan KAP68647, 5008 South Ridge Drive, Kelowna, BC;

AND THAT Bylaw No. 11576 be forwarded for rescindment consideration and the file be closed.

## **Purpose:**

To rescind all three readings given to Rezoning Bylaw No. 11576 and direct staff to close the file.

## **Background:**

Application to rezone the subject property was made on December 4, 2017 to rezone from the C1 – Local Commercial zone to the C2 – Neighbourhood Commercial zone.

Bylaw No. 11576 received second and third readings at a Regular Meeting of Council on April 10, 2018, following the Public Hearing held on the same date. Final adoption of the bylaw was held pending the applicant satisfying the engineering requirements.

The property has since sold, and the new owners are considering their options. As a result, staff are recommending that Council rescind first reading and direct staff to close the file.

Should the new property owners wish to consider development options in the future, a new application will be required.

**Policy:**

**Development Applications Bylaw No. 10540:**

**2.2 Lapse of Application**

In the event that an application made pursuant to this bylaw is one (1) year old or older, and has been inactive for a period of six (6) months or greater:

- a) The application will be deemed to be abandoned and the applicant will be notified in writing that the file will be closed.
- b) Any bylaw that has not received final adoption will be of no force and effect,
- c) In the case of an amendment application, the City Clerk will place on the agenda of a meeting of Council a motion to rescind all readings of the bylaw associated with the amendment application.

**Application Chronology:**

Date of Application Received: December 4, 2017  
Date of Public Hearing: April 10, 2018

**Report prepared by:** Heather Benmore, Development Planning

**Approved for Inclusion:**  Terry Barton, Development Planning Manager

cc: T. Atwood

# Report to Council



**Date:** September 9, 2019  
**To:** Council  
**From:** City Manager  
**Subject:** Rescind Bylaw No. 11629 (Z18-0037) 475 & 495 Montgomery Road  
**Department:** Development Planning

---

## **Recommendation:**

THAT Council receives, for information, the Report from the Community Planning Department dated September 9, 2019 with respect to Bylaw No. 11629 for Rezoning Application No. Z18-0037 for the property located at Lots 2 & 3 Section 26 Township 26 ODYD Plan 7783, located at 475 & 495 Montgomery Road, Kelowna, BC;

AND THAT Bylaw No. 11629 be forwarded for rescindment consideration and the file be closed.

## **Purpose:**

To rescind all three readings given to Rezoning Bylaw No. 11629 and direct staff to close the file.

## **Background:**

Application to rezone the subject property was made on December 4, 2017 to rezone from the RU1 – Large Lot Housing zone to the RM1 – Four Dwelling Housing zone.

Bylaw No. 11629 received second and third readings at a Regular Meeting of Council on July 17, 2018, following the Public Hearing held on the same date. Final adoption of the bylaw was held pending the applicant satisfying the engineering requirements.

The last correspondence by the Applicant to the City was on July 17, 2018, however, there has not been any further action to date.

Given the lack of activity on the file, staff are recommending that Council rescind first reading and direct staff to close the file.

Should the property owner wish to consider development options in the future, a new application will be required.

## **Policy**

### **Development Applications Bylaw No. 10540:**

#### **2.2 Lapse of Application**

In the event that an application made pursuant to this bylaw is one (1) year old or older, and has been inactive for a period of six (6) months or greater:

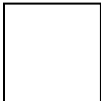
- a) The application will be deemed to be abandoned and the applicant will be notified in writing that the file will be closed.
- b) Any bylaw that has not received final adoption will be of no force and effect,
- c) In the case of an amendment application, the City Clerk will place on the agenda of a meeting of Council a motion to rescind all readings of the bylaw associated with the amendment application.

#### **1.0 Application Chronology**

Date of Application Received: April 12, 2018

Date of Public Hearing: July 17, 2018

**Report prepared by:** Heather Benmore, Development Planning

**Approved for inclusion:**  Terry Barton, Development Planning Manager



## Subject Property Map



**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 29<sup>th</sup> 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

# Report to Council



**Date:** September 9, 2019  
**To:** Council  
**From:** City Manager  
**Subject:** Zoning Bylaw Updates and Public Engagement Process  
**Department:** Development Planning

---

## **Recommendation:**

THAT Council receives the report from the Development Planning Department, dated September 9, 2019, for information;  
AND THAT Council direct staff to initiate the public engagement process as outlined in this report.

## **Purpose:**

To provide Council with an update of the proposed zoning bylaw amendments and upcoming public engagement scheduled for Fall 2019.

## **Background:**

Development Planning staff have been working on a multi-phased approach to update the current Zoning Bylaw, which dates back to 1998 with subsequent amendments. Recent or upcoming amendments have addressed energy efficient design, new agricultural land use regulations, and new parking and loading regulations.

The intention of the updates is to work in tandem with the development of the new Official Community Plan (OCP) 2040 and the goals of Imagine Kelowna to set a base structure that can easily respond to future policy direction outlined in the forthcoming OCP. Regular updates in the coming years will ensure the new Zoning Bylaw is maintained and relevant. Additionally, the updates will ensure the following plans and various Council resolutions adopted since 2012 are implementable through the zoning bylaw. Recently adopted plans include:

- Civic Precinct Plan (2016)
- Urban Centre Roadmap (2016)
- Pedestrian and Bicycle Master Plan (2016)
- Agriculture Plan (2017)
- Healthy Housing Strategy (2018)
- Imagine Kelowna (2018)
- Community Climate Action Plan (2018)
- Capri-Landmark Urban Centre Plan (2019)

The current zoning bylaw is outdated and does not reflect Kelowna's direction of growth management or modern forms of development. The updates are required to ensure development trends are properly incorporated into the bylaw and to support a user-friendly document. The updates will enhance usability for all users (staff, the development community and the general public), reduce interpretation issues and simplify zoning rules and regulations.

**Discussion:**

Development Planning staff are working on the following zoning bylaw updates:

1. Consolidation of zones, including:
  - a. Multi-family
  - b. Commercial
  - c. Industrial
  - d. Urban Centre Mixed-Use zones
2. Simplify land use categories and update definitions within Section 02- Interpretation
  - a. The consolidation of zones combined with simplifying land use categories and updating the corresponding definitions will modernize the land use regulations and make them easier to interpret. This will eliminate current contradictions within the bylaw, correct existing issues with interpretation and provide more certainty to residents, citizens, developers, and property owners on land use regulations.
3. Update building height regulations to be consistent with current policy and current building practices:
  - a. Allow for 5 and 6 storey wood framed buildings in applicable circumstances.
  - b. Modify height regulations within each Urban Centre to be consistent with current policy and surrounding context.
4. Simplify Density Bonusing Policy
  - a. Modify the density bonusing provisions within the Urban Centres to establish a more consistent and effective density bonusing policy.
5. Reformatting:
  - a. The purpose of reformatting the Zoning Bylaw is to follow best practice in bylaw creation with easy to interpret regulations, navigation, and elimination of redundancies.

Schedule 'A' of this report provides a detailed overview of the zone updates.

**Public Engagement & Next Steps**

Staff are proposing to engage the public on these updates in Fall 2019. This is a preliminary engagement opportunity on the overall direction of the zoning bylaw update and will occur alongside the scheduled Official Community Plan public engagement.

Staff will continue to refine the zoning bylaw updates based on public input and further engagement with stakeholders and internal departments. This will occur along with the development of the new Official Community Plan. Staff expect to have a draft updated zoning bylaw for Council consideration in Spring 2020 and anticipate further updates and additions as part of the new Official Community Plan implementation over the coming years.

**Considerations applicable to this report:**

***Legal/Statutory Authority:*** *Local Government Act*, Part 14 – Planning and Land Use Management,  
Division 5- Zoning Bylaw

***Existing Policy:***

Council Policy No. 372: Engage Policy

**Considerations not applicable to this report:**

***Legal/Statutory Procedural Requirements***

***Financial/Budgetary Considerations***

***External Agency/Public Comments***

***Communications Comments***

Submitted by:

J. Black, Planner Specialist

**Reviewed by:**

Laura Bentley, Urban Planning Manager

Terry Barton, Development Planning Department Manager

Attachments:

Schedule "A"- Consolidation of Zones Summary

cc:

Divisional Director, Planning and Development Services



Schedule A- Consolidation of Zones Summary  
September 9, 2019

<b>Zones</b>	<b>Purpose of Update</b>	<b>Proposed Update</b>
Multi-Residential Zones	To consolidate the use categories, reduce number of zones and update building height policy.	MR1: Infill Multi-Residential MR2: Low Density Multi-Residential MR3-Medium Density Multi-Residential MR4- High Density Multi-Residential
Commercial Zones	To consolidate the use categories, reduce number of zones and update building height policy.	C1: Local & Neighbourhood Commercial C2: Corridor Commercial C3: Village Centres
Industrial Zones	To consolidate the use categories, reduce number of zones and update building height policy.	I1: Business Industrial I2: General Industrial I3: Heavy Industrial I4: Central Industrial I5: Low-Impact Transitional Industrial
Urban Centre Mixed-Use Zones	To create a specific zone for each of Kelowna's five Urban Centres.	UC1: Downtown Urban Centre UC2: Capri-Landmark Urban Centre UC3: Midtown Urban Centre UC4: Rutland Urban Centre UC5: Midtown Urban Centre



# Zoning Bylaw Updates

September 9, 2019



# Purpose

- ▶ To provide Council with an update of the proposed zoning bylaw amendments and upcoming public engagement scheduled for Fall 2019.

# Purpose

- ▶ Updates will enhance usability, reduce interpretation issues and simplify zoning rules and regulations
- ▶ Updates will occur alongside the 2040 OCP

# Intention of Updates

- ▶ To work in tandem with the development of 2040 OCP and goals of Imagine Kelowna
- ▶ Establish a base structure in the zoning bylaw that will easily respond to future policy direction of the OCP
- ▶ Updates will ensure plans and Council resolutions are reflected through policy in the zoning bylaw
- ▶ The current zoning bylaw is outdated. The proposed updates will reflect Kelowna's direction of growth management and modern form of development
- ▶ Updates will enhance usability, reduce interpretation issues and simplify zoning rules and regulations



# Summary of Updates

- ▶ Consolidation of zones. Consolidating land use zones will align with new future land use designation categories in the new OCP and support appropriate use categories. The following zones will be consolidated:
  - ▶ Multi-family
  - ▶ Commercial
  - ▶ Industrial
  - ▶ Urban Centre Mixed-Use

Zones	Proposed Update
Multi-residential zones	MR1: Infill Multi-Residential MR2: Low Density Multi-Residential MR3-Medium Density Multi-Residential MR4- High Density Multi-Residential
Commercial zones	C1: Local & Neighbourhood Commercial C2: Corridor Commercial C3: Village Centres
Industrial zones	I1: Business Industrial I2: General Industrial I3: Heavy Industrial I4: Central Industrial I5: Low-Impact Transitional Industrial
Urban Centre Mixed-Use zones	UC1: Downtown Urban Centre UC2: Capri-Landmark Urban Centre UC3: Midtown Urban Centre UC4: Rutland Urban Centre UC5: Midtown Urban Centre

# Summary of Updates

- ▶ Simplify land use categories and update definitions within Section 02- Interpretation
  - ▶ Eliminate contradictions within the zoning bylaw, provide clarity on land use regulations, and make definitions easier to interpret
- ▶ Update building height regulations to be consistent with current policy and current building practices
  - ▶ Allow for 5-6 storey wood framed buildings where applicable
  - ▶ Modify height regulations within each Urban Centre

# Summary of Updates

- ▶ Simplify Density Bonusing Structure
  - ▶ Modify density bonusing provisions within Urban Centres to establish a more consistent and effective structure
- ▶ Overall reformatting
  - ▶ Create a more user friendly bylaw that is easier to interpret and navigate for all users

# Public Engagement

- ▶ To occur in Fall 2019 with the OCP public engagement schedule. This provides an opportunity to engage on the overall direction of the zoning bylaw update
- ▶ Development Planning staff will continue to make updates based off stakeholder engagement and engagement with internal departments



# What's Next

- ▶ Draft updated zoning bylaw for Council consideration in Spring 2020
- ▶ Further updates and additions will occur as part of the new OCP implementation over the coming years



## *Conclusion of Staff Remarks*

# Report to Council



**Date:** September 9, 2019

**To:** Council

**From:** City Manager

**Subject:** Amendment Bylaw No. 11918 to Business Licence Bylaw No. 7878

**Department:** Business Licensing

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## **Recommendation:**

That Bylaw No. 11918 - Amendment No. 18 to Business Licence and Regulation Bylaw No. 7878 be considered for adoption.

## **Purpose:**

To adopt Business Licence Amendment Bylaw No. 11918 – Amendment No. 18 to Business Licence and Regulation Bylaw No. 7878.

## **Background:**

Business Licence Amendment Bylaw No. 11918 – Amendment No. 18 to Business Licence and Regulation Bylaw No. 7878 was presented to Council on August 26, 2019 for first, second and third reading. The Public was invited to provide correspondence relating to the Amendment Bylaw.

## **Discussion:**

No correspondence has been received indicating concerns with Business Licence Amendment Bylaw No. 11918 – Amendment No. 18.

## **Conclusion:**

Staff recommend adoption of Business Licence Amendment Bylaw No. 11918 – Amendment No. 18 to Business Licence and Regulation Bylaw No. 7878.

**Internal Circulation:**

Development Planning  
Development Services

**Considerations applicable to this report:**

Interested parties were invited to make representation. None were received.

**Considerations not applicable to this report:**

***Legal/Statutory Authority:***

***Legal/Statutory Procedural Requirements:***

***Existing Policy:***

***Financial/Budgetary Considerations:***

***External Agency/Public Comments:***

***Communications Comments:***

Submitted by:

G.Wise, Business Licensing Manager

**Approved for inclusion:**



**Ryan Smith, Divisional Director of Planning and Development**

# CITY OF KELOWNA

## BYLAW NO. 11918

### Amendment No. 18 to Business Licence and Regulation Bylaw No. 7878

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The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Business Licence and Regulation Bylaw No. 7878 be amended as follows:

1. THAT Section 2. DEFINITIONS be amended by:

a) deleting the definition for "**Applicant**" that reads:

"**Applicant**" means any person who makes application for any licence under the provisions of this Bylaw;"

And replace it with:

"**Applicant**" means any person or business owner (licencee) who makes an application for any licence under the provisions of this Bylaw;"

b) deleting the definition for "**Beauty parlour**" that reads:

"**Beauty parlour**" means any building, room or place where the **business** of hairdressing, scalp treatment, manicuring or face treatment is carried on;"

And replacing it with:

"**Beauty parlour and/or aesthetic services**" means any building, room or place where the **business** of spas, aesthetic salons, nail or face treatments, tanning salons, tattoo studios, piercing parlours, and similar or related business is carried on;"

c) adding a new definition in its appropriate location for "**Farm Retail Sales**" that reads:

"**Farm Retail Sales**" means a **business** licenced for retailing agricultural products on a farm. This **use** does not include the retail sale or dispensing of **cannabis**;"

d) deleting the definition for "Fruit Stand" in its entirety that reads"

"**Fruit stand**" means a **business** licenced to sell farm produce;"

e) deleting the definition for "Manufacturer" that reads:

"**Manufacturer**" means a person who carries on, maintains, owns or operates the **business**, trade, occupation or calling of assembling, manufacturing, producing, finishing, altering, repairing articles, goods, substances or thing or any part thereof and includes a brick-yard, cannery, concrete block **manufacturer**, fish curing plant, foundry, processing plant, machine shop, oil refinery, pole mill, sawmill, sheet metal works, shingle mill, ship-builder, steel fabricating plant, tie mill, tinsmith, furniture making, wood fabricating plant, and wood-working shop;"

And replace it with:

"**Manufacturer**" means a person who carries on, maintains, owns or operates a business that includes processing of raw materials; the manufacturing or assembling of semi-finished or finished goods, products or equipment that require onsite storage of parts and products. Typical uses include but are not limited



to food and beverage manufacturing (including wineries, breweries and cideries), textiles and clothing, chemical and pharmaceuticals, computer and electronic products, printing operations, concrete manufacturer, machine shop, sawmill, steel/metal fabrication plant, furniture making, paper or wood product plants, and plastic and rubber processing plants. This use does not include the production of cannabis or cannabis derivatives.”

2. AND THAT Section 5. LICENCE APPLICATION AND FEE be amended as follows:

a) deleting sub-section 5.1 that reads:

“An application for an initial licence for a **business** shall be made on the application form set out in Schedule 'B' and shall be signed by an owner or operator of the **business**, or the owner or operator’s agent duly authorized in writing.”

And replacing it with:

“An application for an initial licence for a **business** shall be signed for by an owner or operator of the **business**, or the owner or operator’s agent duly authorized in writing.”

b) deleting sub-section 5.2 that reads:

“Every application for an initial licence for a resident **business** or home occupation shall include a detailed description of the **premises** in or upon which the **applicant** intends to carry on **business**. All such licences shall be subject to the provisions of the **City** of Kelowna Zoning Bylaw No. 8000 as amended or replaced from time to time.”

And replacing it with:

“Every application for an initial licence for a resident **business** or home occupation shall be subject to the provisions of the **City** of Kelowna Zoning Bylaw No. 8000 as amended or replaced from time to time.”

c) deleting sub-section 5.5 that reads:

“The application form shall be delivered to the **licence inspector** and shall be accompanied by the fee prescribed in Schedule 'A' and any inspection forms and confirmations required under this bylaw.”

And replacing it with:

“The application shall be accompanied by the application fee of \$25.00 and any inspection forms and confirmations required under this bylaw.”

3. AND THAT Section 6. PRO-RATING OF LICENCE FEE be amended by adding in its appropriate location a new sub-section 6.2 that reads:

“Except as provided in Section 6.1, in the case of licences that operate on a per day basis, or have a fee other than annual, there will be no pro-ration.”

4. AND THAT Section 7. FORM OF LICENCE be amended by deleting sub-section 7.1 that reads:

“Every licence granted pursuant to this bylaw shall be in the form outlined on Schedule 'C' attached to and forming part of this bylaw and shall state that the holder is licenced to carry on the **business** stipulated in such licence in a lawful manner for the period specified in the licence at the place stated in the licence.”

And replacing it with:

“Every licence granted pursuant to this bylaw shall be in the form prescribed by the Business Licence Manager and shall state that the holder is licenced to carry on the **business** stipulated in such licence in a lawful manner for the period specified in the licence at the place stated in the licence.”

5. AND THAT Section 8. TRANSFER sub-section 8.1 be deleted that reads:
- “Any person proposing to obtain a transfer of a licence with respect to a change of **premises** shall make application in the form of Schedule 'C', attached to this bylaw, and the powers, conditions, requirements, and procedures relating to the initial licence application apply, except as to fees.”
- And replaced with:
- “Any person proposing to obtain a transfer of a licence with respect to a change of **premises** or business ownership shall make an application for such changes, and the powers, conditions, requirements, and procedures relating to the initial licence application apply, except as to fees.”
6. AND THAT Section 9. EFFECT OF LICENCE, sub-section 9.1 be deleted that reads:
- “A licence authorizes only the person named in the licence to carry on only the **business** described in the licence, and only at the **premises** or locations described in the licence.”
- And replaced with:
- “A licence authorizes only the person named in the licence to carry on only the **business** described in the licence, within any assigned licence conditions or restrictions, and only at the **premises** or locations described in the licence.”
7. AND THAT Section 10 LICENCE RENEWAL sub-section 10.1 be deleted that reads:
- “A licensee is responsible for submitting a licence renewal form and the annual licence fee outlined in Schedule 'A' prior to the expiration of the licence.”
- And replaced with:
- “A licensee is responsible for renewing their licence by submitting the annual licence fee prior to the renewal due date or they will be subject to a late payment penalty charge of \$25.00.”
8. AND THAT Section 11 CHANGES IN BUSINESS sub-section 11.2 be deleted that reads:
- “No licensee shall change any other condition upon which the licence fee is based without first making an application in the form of Schedule 'B' attached to this bylaw, paying an additional licence fee payable under the bylaw as a result of the changes, and obtaining a new licence.”
- And replaced with:
- “No licensee shall change any other condition upon which the licence fee is based without first advising the Business Licence Department of the change and paying any additional licence fees payable under the bylaw as a result of the changes and obtaining a new licence.”
9. AND THAT Schedule “A” – **BUSINESS LICENCING BYLAW NO. 7878** be deleted in its entirety and replaced with a new Schedule A as attached to and forming part of this bylaw as Appendix A;
10. AND THAT Schedule “B” – **Business Licence Application** and Schedule “C” **Business Licence Guide and Business Licence** be deleted in their entirety;
11. AND THAT Schedule “D” – Mobile Stores (downtown boundary) Map be deleted in its entirety and replaced with a new Schedule “D” **Boundary of Mobile Vendor Free Area** Map as attached to and forming part of this bylaw as Appendix B;

12. This bylaw may be cited for all purposes as "Bylaw No. 11918, being Amendment No. 18 to Business Licence and Regulation Bylaw No. 7878."
13. 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, second and third time by the Municipal Council this 26<sup>th</sup> day of August, 2019.

Adopted by the Municipal Council of the City of Kelowna this

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Appendix A:

**SCHEDULE "A"**

**BUSINESS LICENCING BYLAW NO. 7878**

**BUSINESS CATEGORIES, LICENCE PERIODS AND FEES PAYABLE**

**ADVERTISING AND MARKETING**

- 0110** From any person carrying on the **business** of promoting and selling products or services, including market research and producing advertisements, \$127.51 for each twelve (12) month licence period.

**ANIMAL AND PET SERVICES**

- 0120** From any person carrying on the **business** of kennels or boarding, grooming, dog walking, pet sitting and day care, and other similar or related animal services, other than Veterinary or retail businesses, \$127.51 for each twelve (12) month licence period.

**ARCADES AND RECREATIONAL ENTERTAINMENT**

- 0175** From any person carrying on the **business** of an amusement park, miniature golf course, roller rink, laser tag, paintball, arcade, virtual reality, escape rooms or other similar place of entertainment \$127.51 for each twelve (12) month licence period. Every person holding a licence under this section may also sell by retail without further licence: **confections, tobacco**, gifts and souvenirs.

**AUCTIONS/AUCTIONEERS**

- 0200** From any person selling property by auction (not being a Crown Officer selling Crown property by auction, or Sheriff, Sheriff's Office or Bailiff selling lands, goods or chattels under a judgement or in satisfaction of rent or taxes), \$190.61 for each twelve (12) month licence period.

**AUTOMOBILE BODY REPAIR AND DETAILING**

- 0300** From any person carrying on a **business** of automobile body repair and paint shop, detailing shop or car wash, \$127.51 for each twelve (12) month licence period.

**AUTOMOBILE DEALER - New and Second Hand or Used**

- 0400** From any person being a dealer in: Both new and second hand automobiles, motor cars or motor vehicles, \$247.00 for each twelve (12) month licence period; the holder of any licence under this paragraph shall also be entitled to carry on the **business** of selling automobile accessories such as batteries, tires, tubes, parts, petroleum products, lubricants and any items that might be used in connection with or become part of a motor vehicle, as well as repairing and storage of such vehicles without taking out any further licence therefor.

#### **AUTOMOBILE DEALER - Second Hand or Used**

**0500** From any person being a dealer in a second hand or used automobile, motor cars or motor vehicles, \$127.51 for each twelve (12) month licence period.

#### **AUTO WRECKER AND/OR JUNK DEALER**

**0600** From any person carrying on the **business** of an automobile wrecker, and/or junk dealer, \$212.10 for each twelve (12) month licence period.

#### **BAKER**

**0700** From any person operating a bakery, bakeshop, or other place where bread, cakes, pastries, pies and/or other baker products are made or manufactured for sale. The holder of a licence under this paragraph is also entitled to sell his products by retail from the same location without taking out any further licence therefor. The amount to be levied or collected for each twelve (12) month licence period shall be based upon the following:

<u>FLOOR AREA OF PREMISES</u>	<u>FEES</u>
1 to 278 square metres	\$127.51 for each twelve (12) month licence period.
Over 278 square metres	\$155.69 for each twelve (12) month licence period.

#### **BANKER/CREDIT UNION**

**0805** From any bank or person carrying on the **business** of a banker, or credit union the amount to be levied or collected for each twelve (12) month licence period shall be based upon the following:

<u>NUMBER OF EMPLOYEES</u>	<u>FEE</u>
1 to 25 employees	\$704.76 for each 12 month licence period.
26 to 50 employees	\$1,057.79 for each 12 month licence period.
Over 50 employees	\$1,409.52 each 12 month licence period.

#### **BEAUTY PARLOUR AND/OR AESTHETIC SERVICES**

**0850** From any person carrying on the **business** of a **beauty parlour** or **aesthetic service**, as defined herein, excluding any person carrying on the **business** of a **hairstylist** under Section 2400 or 2500, \$127.51 for each twelve (12) month licence period. The holder of a licence under this paragraph may also sell by retail without further licence.



#### **BODY-RUB, BODY-RUB PARLOUR OR BODY-PAINTING STUDIO**

- 0900** From any person or individual carrying on the **business** of or operating a **body-rub parlour** or **body-painting studio**, or individual operating the **business** of performing Body-Rub, \$3,060.00 for each twelve (12) month licence period.

#### **BOWLING ALLEY**

- 1100** From any person operating a bowling alley, \$21.45 for each alley or runway with a minimum fee of \$28.43 for each twelve (12) month licence period plus \$23.35 inspection fee for a new licence. Any person holding a licence under this paragraph may also sell by retail **confections** and **tobacco** as defined in this bylaw without being required to hold any other licence, provided however that if a concession snack bar is operated as an adjunct to the primary operation, an additional fee for the concession snack bar shall be paid.

#### **CARRIER - RESIDENT, NON-RESIDENT, TAXICAB**

- 1300** From any person who operates a tour company, boat or air charter, or who hauls by way of vehicles of any description goods, wares, merchandise, and passengers from one place to another and having a premise or place of stopping and starting within the **City** and being so licensed and having the approval to carry on this type of **business** from the Motor Carrier Commission, \$106.05 for the first vehicle plus \$14.76 for each additional vehicle for every twelve (12) month licence period.

#### **CASINO**

- 1301** From any person or individual carrying on the **business** of or operating a **casino**, \$510.00 for each twelve (12) month licence period.

#### **COMMUNICATIONS**

- 1350** From any company or person carrying on the **business** of wired, wireless and satellite telecommunications, radio and television broadcasting and other similar or related industries, \$127.51 for each twelve (12) month licence period.

#### **CONTRACTORS**

- 1566** From any person who does work, performs any service or supplies material in contractor trades such as bricklaying/masonry, building, ceiling, cement/concrete, drywall, eaves trough, electrical, excavating, flooring, gas-fitting, insulation, painting/decorating/designing/staging, plumbing, refrigeration, HVAC, roofing, siding, swimming pools, sheet metal/aluminum, water/sewer line services or any other contractor **business** not otherwise specifically mentioned, \$127.51 for each twelve (12) month licence period.

#### **CREATIVE OR PERFORMING ARTS**

- 1650** From any person or individual carrying on a business as an artist, author or writer, comedian, musician, DJ and other similar or related creative or performing arts, \$127.51 for each twelve (12) month licence period.

#### **CUSTOM BROKER**

**1700** From any person carrying on the **business** of a custom broker, \$77.86 for each twelve (12) month licence period.

#### **DANCE HALL, BANQUET HALL, RENTAL HALL**

**1800** From any person operating any dance hall, banquet hall, rental hall or other **premises** of a similar nature, \$169.14 for each twelve (12) month licence period.

#### **DATING SERVICE**

**1850** From any person or individual carrying on the **business** of or operating a **dating service**, \$546.53 for each twelve (12) month licence period.

#### **DAY NURSERY, CHILD CARE CENTRE, BABY SITTING SERVICE**

**1902** Any person operating a day nursery, child care centre or a baby-sitting service shall pay a licence fee according to the following scale:

\$28.43 for each twelve (12) month licence period for a licence for 3 to 5 children.

\$42.95 for each twelve (12) month licence period for a licence for 6 to 10 children inclusive.

\$56.37 for each twelve (12) month licence period for 11 to 15 children inclusive.

\$71.16 for each twelve (12) month licence period for 16 or more children.

#### **DEALER - Second Hand and Junk**

**2000** From any person carrying on the **business** of a second hand dealer or junk dealer, a second hand store, a junk store or shop, \$127.51 for each twelve (12) month licence period.

#### **FITNESS AND RECREATIONAL SPORTS**

**2020** From any person or individual carrying on the **business** of personal trainer or operating a gym, yoga studio or any similar or related fitness facility, \$127.51 for each twelve (12) month licence period.

#### **FLEA MARKET**

- 2150** From any person carrying on the **business** of organizing and operating a **flea market** \$520.20 for each 12 month period, if operated and under the control of a non-profit society. A licence issued for such a **flea market** includes all merchants, vendors or participants registered to take part in the **flea market**.
- 2151** From any person carrying on the **business** of organizing and operating a **flea market**, \$1,560.60 for each 12 month period. A licence issued for such a **flea market** includes all merchants, vendors or participants registered to take part in the **flea market**.

#### **FARM RETAIL SALES**

- 2200** From any person carrying on the **business** of **farm retail sales** for the sale of agricultural or farm products, \$56.37 for each twelve (12) month licence period.

#### **GARAGE**

- 2202** From any person who carries on the **business** of a garage for the storage of automobiles, motor cars or motor vehicles in excess of two (2) vehicles, \$112.74 for each twelve (12) month licence period.
- 2204** From any person who carries on the **business** of a garage for the repair of automobiles, motor cars or motor vehicles, \$140.94 for each twelve (12) month licence period.

#### **GASOLINE OR FUEL SERVICE STATION**

- 2300** From any person carrying on the **business** of selling gasoline or other fuel, as well as the minor servicing and emergency repairs of automobiles, \$127.51 for each twelve (12) month licence period for the first four (4) gasoline or other fuel hoses, and \$14.76 for each twelve (12) month licence period for each additional two or part thereof gasoline or other fuel hoses. Every person holding a licence under this paragraph may also sell by retail without further licence, automobile accessories (as defined in Section 0400), **confections** and **tobacco** as defined in this bylaw, but a separate licence shall be required for **vending machines** and convenience stores located on the **premises**.

#### **HAIRSTYLIST OR BARBER**

- 2400** From any person carrying on the **business** of a **hairstylist**, as defined herein, \$28.43 for each chair, for each twelve (12) month licence period. The holder of a licence under this paragraph shall also be entitled to carry on a **business** of an itinerant hairdresser without taking out any further licence therefor.

#### **HAIRSTYLIST - ITINERANT**

- 2500** From any person carrying on the **business** of an itinerant **hairstylist**, being a person who performs hairstyling services elsewhere than in a hairstyling shop, \$28.43 for each twelve (12) month licence period, for each person performing such services.

## **HEALTH SERVICES**

- 2550** From any person carrying on the **business** of care aid, home and senior support services, counselling, personal coaching, holistic healing, reiki, unregistered massage therapy or any similar or related health services, excluding any person carrying on a professional **business** under Section 5099, \$127.51 for each twelve (12) month licence period.

## **HOME HANDICRAFT FAIR**

- 2600** From any person carrying on the **business** of organizing and operating a **home handicraft fair** where all the participants in such fair only offer for sale their own home handicrafts \$16.88 per merchant or space up to a maximum of \$337.75 per **home handicraft fair** for the duration of such fair. A licence issued for such a **home handicraft fair** includes all merchants registered to take part in the **home handicraft fair**.

## **INFORMATION TECHNOLOGY**

- 2650** From any person carrying on the **business** of IT Services, data processing, hosting, computer systems design and programming, web design, graphic design, software publishing, and similar or related computer, networking or electronic companies, \$127.51 for each twelve (12) month licence period.

## **JOB PRINTER**

- 2700** From any person carrying on the **business** of job printer, \$127.51 for each twelve (12) month licence period.

## **LAUNDRY**

- 2800** From any person carrying on the **business** of a public laundry having three (3) or less employees, \$71.16 for each twelve (12) month licence period and from any person keeping or carrying on a public laundry having more than three (3) employees, \$127.51 for each twelve (12) month licence period.

## **LAUNDRY OR DRY CLEANER**

- 2900** From any person keeping or carrying on the **business** of a self-serve laundry or dry cleaner, the amount to be levied or collected shall be based upon the extent of such **business** and computed as follows:
- \$7.04 for each machine with a minimum fee of \$28.43 for each twelve (12) month licence period.

## **LINEN/UNIFORM SUPPLY**

- 3000** From any person carrying on the **business** of a linen or uniform supply, \$71.16 for each twelve (12) month licence period.

### **LIQUOR DELIVERY SERVICE**

- 3100** From any person carrying on the **business** of a liquor delivery service, \$127.51 for each twelve (12) month licence period.

### **LIQUOR LICENSED ESTABLISHMENT**

From any person carrying on the **business** of a Liquor Licensed Establishment, the amount to be levied for each twelve (12) month licence period shall be based upon the following:

- |             |   |   |
|-------------|---|---|
| <b>3207</b> | Class A - Club, Recreational  | \$255.69  |
| <b>3210</b> | Class A - non-profit Society  | \$127.85  |
| <b>3215</b> | Class B - Dining Lounge with a Floor Area of 140 m <sup>2</sup> or less                     | \$159.80  |
| <b>3220</b> | Class B - Dining Lounge with a Floor Area over 140 m <sup>2</sup> (spirits only)            | \$217.33  |
| <b>3225</b> | Class B - Dining Room with a Floor Area of 140 m <sup>2</sup> or less (wine, beer, coolers) | \$147.02  |
| <b>3230</b> | Class B - Dining Room with a Floor Area over 140 m <sup>2</sup> (wine, beer, coolers)       | \$191.77  |
| <b>3235</b> | Class C - Cabaret   | \$243.51 for each 100 m <sup>2</sup> of usable area or portion thereof.       |
| <b>3240</b> | Class D - Neighbourhood Public House  | \$243.51 for each 100 m <sup>2</sup> of usable floor area or portion thereof. |
| <b>3245</b> | Class E - Sport's Stadium and Concert Hall  | \$127.85  |
| <b>3255</b> | Class G - Beer and Wine Store   | \$639.22  |

### **MAIL ORDER OR OUTSIDE MERCHANT SALES**

- 3300** From any person, who either on his own behalf or as agent for another in whole or in part, carries on a **mail order** or online sales business or sells, offers for sale, solicits, or takes orders for the sale of goods, wares, merchandise, foodstuffs, articles, or things to be afterwards delivered and supplied by any person not doing **business** in the **City** or that keeps stock outside the **City**, or solicits, or takes orders for any service to be afterwards performed on the **premises** of the customer, \$127.51 for each twelve (12) month licence period.



## **MANAGEMENT, ADMINISTRATION AND/OR CONSULTING**

- 3340** From any person carrying on the **business** of a management company (other than property management), administrative office or consultant, \$127.51 for each twelve (12) month licence period.

## **MANAGEMENT COMPANY - PROPERTY**

- 3350** From any person carrying on the **business** of acquiring, disposing of or managing in any way whatsoever, property, chattels or related affairs for or on behalf of any other person, except and unless the person carrying on such **business** is a licenced realtor in possession of a **business** licence under Section 7005 herein, \$127.51 for each twelve (12) month licence period.

## **MANUFACTURER**

- 3405** From any person carrying on the **business** of a **manufacturer** (as defined in this bylaw), the amount to be levied or collected for each twelve (12) month licence period shall be based upon the following:

<b><u>FLOOR AREA OF MANUFACTURING PREMISES</u></b>	<b><u>FEE</u></b>
1 square metre to 464 square metres	\$140.94 for each twelve (12) month licence period.
465 square metres to 1,858 square metres	\$281.90 for each twelve (12) month licence period.
1,859 square metres to 3,716 square metres	\$422.85 for each twelve (12) month licence period.
Over 3,716 square metres	\$563.79 for each twelve (12) month licence period.

The holder of a licence under this **business** category shall also be entitled to sell his products by retail from the same location as the item being manufactured, without taking out any further licence therefor.

## **MOBILE STORE**

- 3500** From any person carrying on a **business** as a **mobile store** with respect to any other goods, wares or merchandise, \$327.91 for each twelve (12) month licence period for the first **mobile store** and \$54.65 for each twelve month licence period for each additional **mobile store**.

#### **NEWSPAPER PUBLISHER**

- 3602** From any person carrying on the **business** of a registered daily newspaper publisher, \$563.79 for each twelve (12) month licence period.
- 3604** From any person carrying on the **business** of a bi-weekly newspaper publisher, whether same is registered, \$212.10 for each twelve (12) month licence period.
- 3606** From any person carrying on the **business** of a publisher, publishing newspapers other than those specified in sections 3602 and 3604, such as but not limited to newspapers, periodicals and/or magazines, \$99.33 for each twelve (12) month licence period; provided however, that the holder of a licence under this paragraph shall be entitled to sell his published material by retail from the **premises** on which he publishes without obtaining a further licence therefor.

#### **PARKING LOT**

- 3700** From any person who carries on the **business** of the rental of parking spaces for automobiles, motor cars, or motor vehicles, on any parking lot, \$28.43 for each twelve (12) month licence period for the first four (4) spaces available and \$71.16 for each twelve (12) month licence period if more than four (4) spaces are available for rental.

#### **PAWNBROKER**

- 3800** From any person carrying on the **business** of a pawnbroker, \$510.00 for each twelve (12) month licence period.

#### **POOL ROOM/BILLIARD HALL**

- 3900** From any person operating any public pool room or billiard hall, \$34.90 for each table for each twelve (12) month licence, not exceeding in whole the sum of \$175.85 for any one (1) premise in each twelve (12) month period. Any person holding a licence under this paragraph may also retail **confections** and **tobacco** as defined in this bylaw, without being required to hold any other licence; provided however, that if a concession snack bar is operating as an adjunct to the primary operation, an additional fee for the concession snack bar shall be paid.

#### **PRIVATE HOSPITAL**

- 4000** From any person operating a private hospital as defined in the "Hospital Act", being Chapter 200 of the Revised Statutes of British Columbia, 1996, as amended, \$2.67 for each bed let or available for letting with a minimum fee of \$28.43 for each twelve (12) month licence period.

## **PROFESSIONALS**

**5099** From any person carrying on any of the following professional **businesses**; Architect, Engineer, Barrister and Solicitor, Notary Public, Chiropractor, Doctor, Dentist, Optometrist, Pathologist, Psychiatrist, Surgeons, Veterinarians or any other professional **business** not otherwise specifically mentioned. For each duly accredited professional person engaged in the **business** whether as a partner, proprietor, member or employee thereof, the amount to be levied or collected for each twelve (12) month licence period shall be based upon the following:

### **NUMBER OF PROFESSIONAL FEES**

1 to 2 professionals	\$140.94 for each twelve (12) month licence period.
3 to 5 professionals	\$353.04 for each twelve (12) month licence period.
6 to 10 professionals	\$563.79 for each twelve (12) month licence period.
11 to 20 professionals	\$916.84 for each twelve (12) month licence period.
Over 20 professionals	\$1,127.61 for each twelve (12) month licence period.

## **PUBLIC UTILITY COMPANY**

**6000** From any public or private utility company, including but not restricted to gas, electric light, telephone, telegraph, power, pipeline, water, motor-bus, radio, television, closed-circuit television, sewer collection and treatment, or any other company supplying utilities to the public, \$422.85 for each twelve (12) month licence period. In the event of a company carrying on more than one (1) kind of **business**, it shall be required to hold and pay for a separate licence for each **business**.

## **REAL ESTATE OR LAND AGENT**

**7005** From any person carrying on the **business** of a Real Estate or Land Agent, the amount to be levied for each twelve (12) month licence period shall be based upon the following:

### **NUMBER OF LICENSED SALESPERSONS**

1 to 2 salespersons	\$106.05 for each 12-month licence period.
3 to 5 salespersons	\$190.61 for each 12 month licence period.
6 to 10 salespersons	\$281.90 for each 12 month licence period.

11 to 20 salespersons	\$422.85 for each 12 month licence period.
Over 20 salespersons	\$563.79 for each 12 month licence period.

## **RESTAURANT**

**7100** From any person owning or operating the **business** of mobile chef, caterer or meal and food preparation, that does not operate a **mobile store** or **premise** that is open to the public, \$127.51 for each twelve (12) month licence period.

**7102** From any person owning or operating the **business** of restaurant, tea room, cafe, cafeteria, fish and chip shop, delicatessen, coffee shop, or other **premises** of a similar nature (excluding Class B Dining Lounge and Class B Dining Room), the amount to be levied for each twelve (12) month licence period shall be based upon the following:

<u>FLOOR AREA OF PREMISES</u>	<u>FEE</u>
1 to 140 square metres	\$127.51 for each twelve (12) month licence period.
Over 140 square metres	\$155.69 for each twelve (12) month licence period.

**7106** From any person owning or operating the **business** of restaurant, tea room, cafe, cafeteria, fish and chip shop, delicatessen, coffee shop, or other **premises** of a similar nature (excluding Class B Dining Lounge and Class B Dining Room), which is combined with a retail **business**, the combined area of which is 47 square metres or less, \$71.16 for each twelve (12) month licence period.

## **RETAIL**

**7205** From any person selling by retail the amount to be levied or collected for each twelve (12) month licence period shall be based upon the following:

<u>FLOOR AREA OF RETAIL PREMISES</u>	<u>FEES</u>
1 square metre to 278 square metres	\$140.94 for each 12 month licence period.
279 square metres to 557 square metres	\$281.90 for each 12 month licence period.
558 square metres to 1,115 square metres	\$422.85 for each 12 month licence period.
1,116 square metres to 2,230 square metres	\$704.76 for each 12 month licence period.

Over 2,230 square metres

\$1,127.61 for each 12 month licence period.

## **HOTEL / APARTMENT**

From any person owning or operating the **business** of hotel, motel, auto court, apartment, or other premises of a similar nature, the amount to be levied or collected for each twelve (12) month licence period shall be based upon the following:

7305	Hotel, motel, auto court (secondary use)	\$121.75 for each 100 m <sup>2</sup> of usable floor area or portion thereof for secondary uses (pubs, lounges, restaurants, gift shops, meeting rooms) for each twelve (12) month licence period.
7306	Hotel, motel, auto court	\$5.03 for each unit with a minimum fee of \$27.50 for each twelve (12) month period.
7310	Apartment	\$8.37 for each suite with a minimum fee of \$27.50 for each twelve (12) month licence period.
7315	Bed and Breakfast	\$27.50 for each twelve (12) month licence period.
7320	Apartment owned and operated by non-profit societies providing rooms for rent for senior citizens and/or low-income families	\$1.36 for each suite with a minimum fee of \$27.50 for each twelve (12) month licence period.
7325	Private nursing home and rest home	\$5.03 for each room with a minimum fee of \$27.50 for each twelve (12) month licence period.

## **SALESPERSON**

7350	Any person who: <ul style="list-style-type: none"><li>(i) sells, or offers for sale, goods, wares, merchandise, or food-stuffs, or any other effects whatsoever that retail in the <b>City</b> by a door-to-door canvas;</li><li>(ii) being the agent for another person, sells or offers for sale goods, wares, merchandise, or foodstuffs, or carries, or exposes samples, or patterns of any goods, wares, merchandise, or food-stuffs, to be afterwards delivered within the <b>City</b> to a person who is not a wholesaler, or retailer, in such goods, wares, merchandise or foodstuffs; or</li><li>(iii) carries, or exposes samples or patterns or quotes prices for the selling of any goods, wares, merchandise, or foodstuffs, to be afterwards delivered within the <b>City</b> to any person,</li></ul>
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accordingly, a fee of \$71.16 for each twelve (12) month licence period.

## **SAND OR GRAVEL PIT, MINING AND RESOURCE EXTRACTION**

- 7400** From any person carrying on the business of operating a sand/or gravel pit, mining, or resource extraction, \$212.10 for each twelve (12) month licence period.

## **SECURITY SERVICE/INVESTIGATIONS/COLLECTIONS/BAILIFF**

- 7420** From any person carrying on the **business** of a Security Service and/or Investigations Service and/or Collections and/or Bailiff, \$140.94 for each twelve (12) month licence period.

## **SOCIAL ESCORT SERVICE**

- 7430** From any person or individual carrying on the **business** of or operating a **social escort service**, \$3,060.00 for each twelve (12) month licence period.

## **SPECIAL EVENT**

- 7450** From any person, persons, group, society, association, organization, or corporation holding a Special Event including but not restricted to a public show, cultural performance, awareness walks, exhibition or other similar event, \$34.90 for each day during the licence period.

## **THEATRES, HALLS AND ARENAS**

- 7502** From any proprietor, lessee or manager of any theatre, including drive-in theatre, amusement hall, concert hall, music hall, opera house, rink, arena or other similar place of entertainment, according to the seating or automobile capacity and licensing period thereof as set out as follows:

<u>SEATING CAPACITY OR AUTOMOBILE VIEWING SPACES</u>	<u>LICENCE PERIOD</u>		
	<u>12 months</u>	<u>6 months</u>	<u>3 or less</u>
1 - 500	\$140.94	\$ 71.16	\$ 34.90
501 - 1000	\$281.90	\$140.94	\$ 71.16
1001 or over	\$422.85	\$212.10	\$106.05

Provided that where one building contains more than one theatre, hall or other place of entertainment within the scope of this paragraph, a separate licence shall be payable in respect for each such premise.

## **TRADE SHOW**

- 7550** From any person carrying on the **business** of organizing and operating a **trade show** where the merchants participating in such **trade show** offer their goods, wares or merchandise for retail sale or wholesale, \$84.44 per merchant or space up to a maximum of \$1,688.75 per **trade show** for the duration of such show (the licence period). A licence issued for such a **trade show** includes all merchants registered to take part in the **trade show**.



#### **TRAILER, MOBILE HOME, TENT OR AUTO COURT PARK OR CAMP**

**7600** From any person carrying on **business** as the owner of a trailer, mobile home, or tent campground, the amount to be levied or collected shall be levied upon the extent of such **business** and computed as follows:

- (i) \$5.03 for each additional space let or available for letting with a minimum fee of \$28.43 for each twelve (12) month licence period.

#### **TRUST, INSURANCE, INVESTMENT, LOAN AND MORTGAGE COMPANY**

**7705** From any person carrying on the **business** of a trust company, insurance, financial advisor or planner, loan or mortgage agency, society or company, the amount to be levied or collected for each twelve (12) month licence period shall be based upon the following:

<u>NUMBER OF EMPLOYEES</u>	<u>FEES</u>
1 to 2 employees	\$140.94 for each twelve (12) month licence period.
3 to 5 employees	\$281.90 for each twelve (12) month licence period.
6 to 10 employees	\$422.85 for each twelve (12) month licence period.
11 to 20 employees	\$634.96 for each twelve (12) month licence period.
Over 20 employees	\$845.70 for each twelve (12) month licence period.

#### **VENDING MACHINES**

**7804** From owners of **vending machines** of any goods, wares, merchandise or articles, or for providing music, games, amusement or service of any kind the amount to be levied or collected for each twelve (12) month licence period shall be \$28.43 for the first machine plus \$7.04 for each additional machine.

#### **WAREHOUSING (INCLUDING MINI-STORAGE)**

**7850** From any person carrying on the **business** of warehousing products, equipment or other effects for which charges are made, following licence fees for every twelve (12) month licence period based on the floor area occupied by the warehouse **business**:

<u>FLOOR AREA OF WAREHOUSING PREMISES</u>	<u>FEES</u>
1 to 464 square metres	\$140.94 for each twelve (12) month licence period.

465 square metres to 1,858 square metres	\$281.90 for each twelve (12) month licence period.
1,859 square metres to 3,716 square metres	\$422.85 for each twelve (12) month licence period.
Over 3,716 square metres	\$563.79 for each twelve (12) month licence period.

## **WHOLESALE**

### **7905**

From any person owning or operating a wholesale **business**, the amount to be levied or collected for each twelve (12) month licence period shall be based upon the following:

<b><u>FLOOR AREA OF WHOLESALE PREMISES</u></b>	<b><u>FEES</u></b>
1 to 464 square metres	\$140.94 for each twelve (12) month licence period.
465 square metres to 1,858 square metres	\$281.90 for each twelve (12) month licence period.
1,859 square metres to 3,716 square metres	\$422.85 for each twelve (12) month licence period.
Over 3,716 square metres	\$563.79 for each twelve (12) month licence period.

The holder of a licence under this paragraph shall also be entitled to sell by retail from the same location without taking out any further licence therefor.

## **OTHER BUSINESS**

From any person operating any of the following **businesses**, the amount hereinafter set out opposite each such **business** operated by him for each twelve (12) month licence period:

<b>8000</b>	Personal, Household and Other Services not otherwise specified in this Bylaw	\$127.51
<b>8002</b>	Accountant, Bookkeeper, Auditor and Public Stenographer	\$77.86
<b>8006</b>	Boat Rental and Mooring	\$71.16
<b>8010</b>	Canadian Newspaper Agency	\$56.37
<b>8012</b>	Car/Truck/Trailer/Recreation Vehicle Rental Service and/or Leasing Service	\$77.86
<b>8014</b>	Chimney Sweep	\$42.95
<b>8016</b>	Christmas Tree Sale	\$28.43

8020	Concession Snack Bar: Having a total floor area of not more than fifty (50) square metres operated as an adjunct to a primary operation which is the principal source of the patronage	\$63.09
8022	Dental Technician - laboratory or like service	\$127.51
8024	Drafting and Design Service	\$127.51
8026	Dry Cleaning	\$127.51
8027	Fuel Dealer (liquid fuels)	\$127.51
8028	Fuel Dealer (solid fuels)	\$42.95
8029	Furniture Repair and Refinishing	\$127.51
8030	Handicapped and/or Blind person, carrying on a home handicraft, home occupation or <b>business</b> for gain which is incidental and secondary to the use of the dwelling unit for residential purposes	No Charges
8032	Home handicrafts, where there are no employees of the person operating such <b>business</b>	\$34.90
8036	Janitor and/or Window Cleaning Service: where three (3) persons or less are employed where more than three (3) persons are employed	\$56.37 \$77.86
8040	Landscaping or gardening including sale of shrubs, plants, nursery and garden supplies	\$112.74
8042	Landscaping or Gardening	\$34.90
8044	Lumber Yard and/or Millwork Shop	\$127.51
8046	Machine Shop: where three (3) persons or less are employed where more than three (3) persons are employed	\$91.27 \$140.94
8050	Machine or Equipment Rental	\$127.51
8052	Machinery and Equipment Sales and service	\$127.51
8054	Magazine, Periodical or Book Sales <b>business</b> , that is selling, soliciting or taking orders for the sale of subscriptions for newspapers, magazines, periodicals, or books, whether of an educational character, or not	\$71.16
8056	Monumental Works and Memorial	\$63.09
8058	Mobile Home, Trailer, Recreational Vehicle and/or Boat Sales	\$127.51
8060	Office Equipment and Supplies, sales and service	\$127.51
8062	Photography, Audio and/or Video Engineering or Production	\$127.51

<b>8064</b>	Piano Tuning	\$77.86
<b>8065</b>	Commercial or Private Schools, or other training services	\$127.51
<b>8066</b>	Private Music Teaching, Dancing School, Hair Dressing School, and other related activities	\$49.66
<b>8068</b>	Rug or Upholstery Cleaners	\$63.09
<b>8070</b>	Saw Filing and/or Knife Sharpening	\$28.43
<b>8072</b>	Septic Tank and Grease Trap and Grease Trap Cleaners	\$63.09
<b>8074</b>	Service and Maintenance of Appliances or other equipment	\$127.51
<b>8076</b>	Shoe Repair	\$71.16
<b>8078</b>	Shoe Shine	\$28.43
<b>8080</b>	Sign Painter or Sign Writer	\$127.51
<b>8081</b>	Small Equipment and Appliance Sales and Service	\$127.51
<b>8082</b>	Tailor or Dressmaker	\$42.95 for each twelve (12) month licence period
<b>8083</b>	Thrift Store	\$28.43 for each twelve (12) month licence period
<b>8084</b>	Tire Rethreading Business	\$127.51
<b>8086</b>	Towing Service	\$127.51
<b>8088</b>	Travel Service and/or Tour Agent	\$127.51
<b>8090</b>	Tree Topping and/or Tree Spraying	\$63.09
<b>8092</b>	Undertaker and funeral Director, including the sale of monuments and memorials	\$127.51
<b>8094</b>	Upholstery	\$127.51
<b>8096</b>	Watch Repairing	\$77.86
<b>8098</b>	Welding Shop	\$127.51

<b>8099</b>	Yard Sale, Garage Sale, Carport Sale, Basement Sale, etc. provided however, the licence shall be issued for each individual sale and no licence is required for a person holding only (1) such sale in each licence year, and no person shall be granted more than three (3) licences in each licence year	\$28.43
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**UNCLASSIFIED**

<b>9000</b>	From any person following within the Municipality any profession, <b>business</b> , trade, occupation, employment or calling not herein-before enumerated, or who enters into or carries on any contract to perform any work or furnish any service or material, \$127.51 for each twelve (12) month licence period.
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