

**City of Kelowna**  
**Regular Council Meeting**  
**AGENDA**



Monday, November 27, 2023  
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-video feed is being broadcast and recorded on kelowna.ca.

**2. Confirmation of Minutes**

4 - 8

PM Meeting - November 20, 2023

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

**3.1 Lynrick Rd 1702 - OCP23-0011 (BL12603) Z22-0028 (BL12604) - Varro Developers Inc., Inc.No. BC1285726**

9 - 30

To amend the Official Community Plan to change the future land use designation of portions of the subject property from the S-MU -Suburban Multiple Unit designation to NAT – Natural Areas designation and to rezone portions of the subject property from the RR1 – Large Lot Rural Residential zone to the MF2 – Townhouse Housing zone and the P3 – Parks and Open Space zone to facilitate a townhouse development.

**3.2 Lynrick Rd 1702 - BL12603 (OCP23-0011) - Varro Developers Inc., Inc.No. BC1285726**

31 - 32

**Requires a majority of all members of Council (5).**

To give Bylaw No. 12603 first reading in order to change the future land use designation of portions of the subject property from the S-MU -Suburban Multiple Unit designation to NAT – Natural Areas designation.

**3.3 Lynrick Rd 1702 - BL12604 (Z22-0028) - Varro Developers Inc., Inc.No. BC1285726**

33 - 34

To give Bylaw No. 12604 first reading in order to rezone portions of the subject property from the RR1 – Large Lot Rural Residential zone to the MF2 – Townhouse Housing zone and the P3 – Parks and Open Space zone.

<b>3.4</b>	<b>ITEM WITHDRAWN BY APPLICANT - Hewetson Ct 949 - Z23-0064 (BL12598) - Upper Mission Development Inc., Inc.No. BC1224405</b>	35 - 56
	To rezone the subject property from the RU1 – Large Lot Housing zone to the MF2 – Townhouse Housing zone to facilitate a multi-family development.	
<b>3.5</b>	<b>Francis Ave 615 - Z23-0041 (BL12601) - 1324270 B.C. Ltd., Inc.No. BC1324270</b>	57 - 73
	To rezone the subject property from the MF2 – Townhouse Housing zone to the MF1 – Infill Housing zone to facilitate a fourplex development.	
<b>3.6</b>	<b>Radant Rd 569 - Z22-0072 (BL12602) - John Thomas Hodges</b>	74 - 95
	To rezone portions of the subject property from the RU1 – Large Lot Housing zone to the MF1 – Infill Housing zone and the P3 – Parks and Open Space zone to facilitate the development of infill housing.	
<b>3.7</b>	<b>Lakeshore Rd 4456 - Z23-0066 (BL12605) - Luoya Yang</b>	96 - 107
	To rezone the subject property from the RU1 – Large Lot Housing zone to the Ru1cc - Large Lot Housing with Child Care Centre, Major zone to facilitate a Child Care Centre.	
<b>3.8</b>	<b>Appaloosa Rd 3226 - Z23-0025 (BL12606) - Astria Academy Nominee Ltd., Inc.No. BC1396329</b>	108 - 124
	To rezone the subject property from the RR2 - Small Lot Rural Residential zone to the I2 – General Industrial zone to facilitate industrial development.	
<b>3.9</b>	<b>Inkar Rd 1463 - DP23-0149 - Various Owners</b>	125 - 169
	To issue a Development Permit for the form and character of an 8-unit townhouse development.	
<b>4.</b>	<b>Bylaws for Adoption (Development Related)</b>	
<b>4.1</b>	<b>Cara Glen Way 1691 - BL12573 (Z23-0033) - Rutherford Crestview Developments Ltd., Inc.No. Aoo85980</b>	170 - 171
	To adopt Bylaw No. 12573 in order to rezone a portion of the subject property from the RR1 – Large Lot Rural Residential zone to the MF2 – Townhouse Housing zone.	
<b>4.2</b>	<b>Cara Glen Way 1691 - BL12574 (TA23-0008) - Rutherford Crestview Developments Ltd., Inc.No. Aoo85980</b>	172 - 172
	To adopt Bylaw No. 12574 in order to allow a Site-Specific Text Amendment for the subject property.	

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

<b>5.1</b>	<b>Third Quarter 2023 Financial Performance</b>	173 - 194
	To provide Council with information summarizing the City of Kelowna's third quarter financial activity in alignment with the format outlined in the February 13, 2023 report to Council on the 2023 Financial Health Dashboard.	
<b>5.2</b>	<b>Business Licence Bylaw 12585 Consultation and Adoption</b>	195 - 202
	To replace Business Licence and Regulation Bylaw No. 7878 with Business Licence and Regulation Bylaw No. 12585 and to amend Bylaw Notice Enforcement Bylaw No. 10475.	
<b>5.3</b>	<b>BL12585 - Business Licence Bylaw</b>	203 - 226
	To adopt Bylaw No. 12585.	
<b>5.4</b>	<b>BL12586 - Amendment No. 36 to Bylaw Notice Enforcement Bylaw No. 10475</b>	227 - 230
	To adopt Bylaw No. 12586.	
<b>5.5</b>	<b>Amendment to Airport Fees and Charges Bylaw 7982</b>	231 - 242
	To obtain Council's approval to amend the Kelowna International Airport's Fees Bylaw No. 7982.	
<b>5.6</b>	<b>BL12597 - Amendment No. 41 to Airport Fees and Charges Bylaw No. 7982</b>	243 - 243
	To give Bylaw No. 12597 first, second and third reading.	
<b>5.7</b>	<b>Housing Accelerator Fund Overview</b>	244 - 257
	To provide Council an overview of the Housing Accelerator Fund, a recently approved grant valued at \$31,558,610 from the Government of Canada	

**6. Mayor and Councillor Items**

**7. Termination**



## City of Kelowna Regular Council Meeting Minutes

Date:	Monday, November 20, 2023
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Tom Dyas, Councillors Ron Cannan, Maxine DeHart*, Charlie Hodge, Mohini Singh, Luke Stack, Rick Webber and Loyal Wooldridge
Member Participating Remotely	Councillor Gord Lovegrove
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Corporate and Protective Services, Stu Leatherdale*; Divisional Director, Planning, Climate Action and Development Services, Ryan Smith*; Urban Planning Manager, Jocelyn Black*; Planner, Jason Issler*; Planner, Tyler Caswell*; Landfill & Compost Operations Manager, Scott Hoekstra*; Utility Services Manager, Kevin Van Vliet*; Acting Property Manager, Cody Passley*
Staff Participating Remotely	Legislative Coordinator (Confidential), Arlene McClelland
Guests	Dr. Phil Barker*, Vice-Principal for Research and Innovation, University of British Columbia Okanagan; Superintendent Triance*, OIC Kelowna Detachment and Sgt. Pollock*

(\* Denotes partial attendance)

### 1. Call to Order

Mayor Dyas called the meeting to order at 1:35 p.m.

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-video feed is being broadcast and recorded on kelowna.ca.

### 2. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Stack

THAT the Minutes of the Regular Meetings of November 6, 2023 be confirmed as circulated.

Carried



### 3. Public in Attendance

#### 3.1 Annual Update - City of Kelowna and University of British Columbia Okanagan Research Collaboration

City Manager and Dr. Phil Barker:

- Displayed a PowerPoint Presentation on behalf of the City and University of British Columbia Okanagan Collaboration Joint Steering Committee on research initiatives and collaboration and responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor Webber

THAT Council receives for information the report from the City / UBCO Research Collaboration Joint Steering Committee, providing a progress update regarding various collaborative research initiatives.

Carried

#### 3.2 Kelowna RCMP Strategic Plan

Superintendent Triance:

- Displayed a PowerPoint Presentation on the 2024-2026 RCMP Strategic Plan and responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

THAT Council endorse the Kelowna RCMP Strategic Plan for 2024-2026.

Carried

The meeting recessed at 2:55 p.m.

The meeting reconvened at 3:05 p.m. with Councillor DeHart absent.

### 4. Development Application Reports & Related Bylaws

#### 4.1 Mugford Rd 593 - Z23-0045 (BL12599) - Corey Knorr Construction Ltd., Inc. No. BC0380398

Staff:

- Displayed a PowerPoint Presentation summarizing the presentation.

Moved By Councillor Wooldridge/Seconded By Councillor Stack

THAT Rezoning Application No. Z23-0045 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot B Section 26 Township 26 ODYD Plan EPP108428, located at 593 Mugford Rd, Kelowna, BC from the RU<sub>1</sub> – Large Lot Housing zone to the RU<sub>4</sub> – Duplex Housing zone, be considered by Council;

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

Carried

#### 4.2 Elm St 1447 and Elm Street East 1580 and 1590 - Z23-0055 (BL12600) - Various Owners

Staff:

- Displayed a PowerPoint Presentation summarizing the presentation and responded to questions from Council.

Moved By Councillor Cannan/Seconded By Councillor Wooldridge

THAT Rezoning Application No. Z23-0055 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 1 Section 20 Township 26 ODYD Plan 9228, located at 1447 Elm Street, Strata Lot 1 Section 20 Township 26 ODYD Strata Plan K529 Together With An Interest In Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form 1, located at 1580 Elm Street East, Strata Lot 2 Section 20 Township 26 ODYD Strata Plan K529 Together With An Interest In Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form 1, located at 1590 Elm Street East, Kelowna, BC from the RU4 – Duplex Housing zone to the MF1 – Infill Housing zone, be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Development Planning Department dated November 20<sup>th</sup>, 2023;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review by the Approving Officer;

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

Carried

**4.3 Rezoning Bylaws Supplemental Report to Council**

City Clerk:

- Confirmed no correspondence received for the rezoning applications on Montgomery Road and Appaloosa Road. Three pieces of correspondence were received for the rezoning on Lakeshore Road. The three rezoning bylaws may be read together unless Council wishes to separate one or more.

**4.4 Rezoning Applications**

**4.4.1 Montgomery Rd 450 - BL12591 (Z23-0060) - Timothy Donald and Jette Toxvard Roth**

**4.4.2 Appaloosa Rd 3256 - BL12592 (Z23-0024) - Astria Hollywood Nominee Ltd., Inc. No. BC1363016**

Moved By Councillor Singh/Seconded By Councillor Hodge

THAT Bylaw Nos. 12591 and 12592 each be read a first, second and third time.

Carried

Council:

- Request that the Lakeshore Road bylaw be read separately.

**4.4.3 Lakeshore Rd 3593 - BL12593 (Z23-0036) - Immortal Homes Ltd., Inc. No. A0101356**

Moved By Councillor Singh/Seconded By Councillor Hodge

THAT Bylaw No. 12593 be read a first, second and third time.

Defeated

Councillors Cannan, Hodge, Lovegrove and Webber - Opposed



Moved By Councillor Cannan/Seconded By Councillor Hodge

THAT Bylaw No. 12593 be advanced to a Public Hearing.

**Defeated**  
Mayor Dyas, Councillors Singh, Stack and Wooldridge - Opposed

Mayor Dyas:

- Bylaw No. 12593, for the property at 3593 Lakeshore Road to be reconsidered with a report from Staff.

## 5. Non-Development Reports & Related Bylaws

### 5.1 Glenmore Landfill - Wildfire Recovery Works and Funding

Staff:

- Displayed a PowerPoint Presentation providing rationale for a proposed funding request to complete post wildfire recovery works at the Glenmore Landfill and responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

THAT Council receives for information the report from the Utility Services Department dated November 20, 2023, with respect to a request for Disaster Financial Assistance to the Province of British Columbia.

AND THAT the 2023 Financial Plan be amended to include \$1,400,000 for the repair of infrastructure at the Glenmore Landfill due to damage from the Clifton-McKinley Fire, to be funded from the Reserve for Sanitary Landfill with expectation of up to 80% of eligible costs being reimbursed upon successful application of Provincial Disaster Financial Assistance.

**Carried**

### 5.2 Crown Tenure – License of Occupation

Staff:

- Displayed a PowerPoint Presentation regarding the Crown Tenure.

Moved By Councillor Wooldridge/Seconded By Councillor Stack

THAT Council receive, for information, the Crown Tenure - License of Occupation report from the Real Estate Department dated November 20, 2023;

AND THAT Council agrees to acquire the License of Occupation as presented, for a term of thirty (30) years, from the Province, over those parts fronting on Lot 1 District Lot 134 and Sections 6, Township 26, Osoyoos Division of Yale District, Plan EPP55101, containing 0.0272 hectares, more or less, for the purpose of a Pedestrian Walkway;

AND THAT the Mayor and City Clerk be authorized to execute the License of Occupation.

**Carried**

## 6. Mayor and Councillor Items

Councillor Wooldridge:

- Hosted a Fundraiser for the Ozanam Recovery House.
- Hosted the HOPE Outreach Masquerade Gala.

## Councillor Singh:

- Congratulated Sam Samaddar, Airport CEO, on receiving the Business Leader Award from the Kelowna Chamber of Commerce.
- Congratulated Kevin Edgecomb for sponsoring a school for young women in India.
- Spoke to her attendance at the Quail's Gate Winery Gala Fundraiser for the Central Okanagan Fire Relief Fund.
- Spoke to the upcoming Toy Drive for Ukrainian Children next Sunday.

## Councillor Cannan:

- Shout out to the Kelowna City Band performing at the Remembrance Day Ceremony.
- Spoke to their attendance at the Metro Community Fundraiser.
- Will be attending the annual Tree of Hope Light Up Friday, November 24th.
- Commented that the Agricultural Advisory Committee Terms of Reference should include an Irrigation District representative.

## Councillor Stack:

- Lead a tour of City Hall for Elementary School students.

## Mayor Dyas:

- Read a statement in advance of tomorrow's Public Hearing regarding Short Term Rental Accommodation Regulatory Amendments.

**7. Termination**

This meeting was declared terminated at 3:49 p.m.

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 Mayor Dyas

sf/acm




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 City Clerk

# REPORT TO COUNCIL

## OCP & REZONING



**Date:** November 27<sup>th</sup>, 2023  
**To:** Council  
**From:** City Manager  
**Address:** 1702 Lynrick Road  
**File No.:** OCP23-0011 / Z22-0028

	Existing	Proposed
<b>OCP Future Land Use:</b>	S-MU – Suburban – Multiple Unit & NAT – Natural Areas	S-MU – Suburban – Multiple Unit & NAT – Natural Areas
<b>Zone:</b>	RR1 – Large Lot Rural Residential & P3 – Parks and Open Space	MF2 – Townhouse Housing & P3 – Parks and Open Space

### 1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP23-0011 to amend Map 3.1 in the Kelowna 2040 – Official Community Plan Bylaw No. 12300 by changing the Future Land Use designation of portions of Lot A Section 13 Township 26 and of Section 18 Township 27 ODYD Plan KAP48482 Except Plan KAP75423, located at 1702 Lynrick Road from the S-MU – Suburban Multiple Unit designation to NAT – Natural Areas designation, as shown on Map “A” attached to the Report from the Development Planning Department dated November 27<sup>th</sup>, 2023, be considered by Council;

AND THAT Rezoning Application No. Z22-0082 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classifications of Lot A Section 13 Township 26 and of Section 18 Township 27 ODYD Plan KAP48482 Except Plan KAP75423, located at 1702 Lynrick Road, Kelowna, BC from the RR1 – Large Lot Rural Residential zone to the P3 – Parks and Open Space zone and the MF2 – Townhouse Housing zone as shown on Map “B” attached to the Report from the Development Planning Department dated November 27<sup>th</sup>, 2023, be considered by Council;

AND THAT the Official Community Plan Map Amending Bylaw and 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 Attachment “A” to the Report from the Development Planning Department dated November 27<sup>th</sup>, 2023;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw and Rezoning Bylaw be considered subsequent to approval of the Ministry of Transportation and Infrastructure;

AND FURTHER THAT final adoption of the Official Community Plan Amending Bylaw and Rezoning Bylaw be considered in conjunction with the Development Planning Department Manager’s consideration of a Natural Environment Development Permit for the subject property;

AND FURTHER THAT final adoption of the Official Community Plan Amending Bylaw and Rezoning Bylaw be considered in conjunction with Council’s consideration of a Development Permit for the subject property.

**2.0 Purpose**

To amend the Official Community Plan to change the future land use designation of portions of the subject property from the S-MU -Suburban Multiple Unit designation to NAT – Natural Areas designation and to rezone portions of the subject property from the RR1 – Large Lot Rural Residential zone to the MF2 – Townhouse Housing zone and the P3 – Parks and Open Space zone to facilitate a townhouse development.

**3.0 Development Planning**

Staff support the proposed Official Community Plan (OCP) Amendment Application from S-MU – Suburban Multiple Unit to NAT – Natural Areas. As part of the application, a large portion of the property is to be dedicated to the City to establish the required 15.0 m Riparian Management Area setback along Gopher Creek, and the addition of a park trail to link the existing Gopher Creek Linear Trail. This requires the OCP Future Land Use Map to be amended to align with the proposed linear corridor. Staff have reviewed this application, and it may move forward without affecting either the City’s Financial Plan or Waste Management Plan.

Staff also support the proposed Rezoning Application from RR1 – Large Lot Rural Residential zone to MF2 – Townhouse Housing zone and P3 – Parks and Open Space. The subject property has a Future Land Use Designation of S-MU – Suburban Multiple Unit and is located near Black Mountain Elementary School and Gopher Creek Linear Park. The MF2 zone allows for a subtle transition in density into the established neighbourhood. The subject property and the surrounding areas have the Future Land Use of S-MU – Suburban Multiple Unit because the proposed Black Mountain Village Centre is situated on the other side of Loseth Road. When the adjacent property is developed, it will offer commercial uses in close proximity to the subject property. The proposed park dedication requires part of the property to be rezoned to P3 to align with the linear park trail.

The proposal meets the intent of the Suburban Neighbourhood policies, which are intended to provide additional ground-oriented housing in a variety of housing typologies in areas that are near small scale commercial services, amenities like schools and parks and educational sites.

Lot Area	Proposed (m <sup>2</sup> )
Gross Site Area	9,319.7 m <sup>2</sup>
Road Dedication	n/a
Undevelopable Area	3,231.6 m <sup>2</sup>
Net Site Area	6,088.1 m <sup>2</sup>

**4.0 Site Context & Background**

Orientation	Zoning	Land Use
North	RU4 – Duplex Housing	Semi-Detached Housing
East	RU1 – Large Lot Housing & RU4 – Duplex Housing	Semi-Detached Housing & Single-Detached Housing
South	P3 – Parks and Open Space	Gopher Creek
West	RR1 – Large Lot Rural Residential	Rural Residential



**Subject Property Map: 1702 Lynrick Road**



The subject property is located on both Lynrick Road and Loseth Road and has the Future Land Use Designation of S-MU – Suburban Multiple Unit and NAT – Natural Areas. The surrounding area has a mix of RU4 – Duplex Housing, RU1 – Large Lot Housing, RR1 – Large Lot Rural Residential and P3 – Parks and Open Space. The property is adjacent to Gopher Creek Linear Park and is near Black Mountain Elementary School.

**5.0 Current Development Policies**

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

<b>Objective 7.2. Design Suburban Neighbourhoods to be low impact, context sensitive and adaptable.</b>	
Policy 7.2.1. Ground-Oriented Housing	Consider a range of low-density ground-oriented housing development to improve housing diversity and affordability and to reduce the overall urban footprint of Suburban Neighbourhoods. Focus more intensive ground-oriented housing where it is in close proximity to small scale commercial services, amenities like schools and parks, existing transit service and/or transportation facilities.  <i>The site will be made-up of low-density ground-oriented housing. These units are proposed as three-bedroom townhouses.</i>
Policy 7.2.3. Integrate Nature	Integrate the design of active parks with adjacent natural areas while maintaining individual park standards. Reduce impacts of parks on adjacent natural systems.  <i>The proposal includes dedication of land that will become a new park trail and a protected Riparian Management Area of Gopher Creek.</i>
<b>Objective 7.3. Design Suburban Neighbourhoods to be inclusive, safe, and to foster social interaction.</b>	
Policy 7.3.1. Private Open Space	Encourage the development of private open space amenities as part of new multi-unit residential development in Suburban Neighbourhoods.  <i>The site proposes the majority of the required amenity space as common amenity space that will be situated throughout the development.</i>



<b>Objective 7.6. Support a variety of low-density housing.</b>	
Policy 7.6.2. Social connections through design.	Encourage design for multi-unit residential buildings that incorporates common spaces that foster social connections, such as gardens, greenspace and children’s play areas.
	<i>The proposal includes common amenity spaces (benches, play areas, picnic tables, etc.) that promote social interactions.</i>

**6.o Application Chronology**

Application Accepted: April 26<sup>th</sup>, 2022  
 Neighbourhood Notification Summary Received: October 13<sup>th</sup>, 2023

**Report prepared by:** Tyler Caswell, Planner II  
**Reviewed by:** Lydia Korolchuk, Acting Planning Supervisor  
**Reviewed by:** Jocelyn Black, Urban Planning Manager  
**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

**Attachments:**  
 Attachment A: Development Engineering Memo  
 Map A: OCP Amendment OCP23-0011  
 Map B: Zoning Amendment Z22-0028

For additional information, please visit our Current Developments online at [www.kelowna.ca/currentdevelopments](http://www.kelowna.ca/currentdevelopments).

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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** May 24, 2022

**File No.:** Z22-0028

**To:** Planning and Development Officer (TC)

**From:** Development Engineering Manager (NC)

**Subject:** 1702 Lynrick Rd A1 to RM3

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The Development Engineering Branch has the following comments and requirements associated with this application to rezone the subject property from the A1 - Agriculture 1 zone to the RM3 - Low-Density Multi-Family zone. The Development Technician for this file is Sarah Kelly ([skelly@kelowna.ca](mailto:skelly@kelowna.ca)).

**1. GENERAL**

- a. The following requirements are valid for two (2) years from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.
- b. This proposed development may require the installation of centralized mail delivery equipment. Please contact Arif Bhatia, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC, V1Y 2K0, (250) 859-0198, [arif.bhatia@canadapost.ca](mailto:arif.bhatia@canadapost.ca) to obtain further information and to determine suitable location(s) within the development.
- c. This property is located within the 800m MoTI Highway Buffer therefore, Development Engineering comments/requirements are subject to the review and requirements from the Ministry of Transportation and Infrastructure (MoTI).
- d. There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

**2. DOMESTIC WATER AND FIRE PROTECTION**

- a. The subject lot is located within the Black Mountain Irrigation District (BMID) service area. The developer is required to make satisfactory arrangements with BMID for all water and fire protection-related issues. All charges for service connection and upgrading costs, as well as any costs to decommission existing services, shall be the responsibility of the developer.
- b. The Developer's Consulting Mechanical Engineer will determine the fire protection requirements of this proposed development and establish hydrant requirements and service needs. All fire flow calculations approved by BMID are to be shared with the Development Engineering Branch upon submittal of off-site civil engineering drawings.

<b>ATTACHMENT</b>		<b>A</b>
This forms part of application		
# OCP23-0011 / Z22-0028		
Planner Initials		 <b>Kelowna</b> DEVELOPMENT PLANNING
TC		<b>13</b>


- c. The water system must be capable of supplying the domestic and fire flow demands of the project in accordance with the Subdivision, Development, & Servicing Bylaw No. 7900. Provide water flow calculations for this development to confirm bylaw conformance (150 L/s for apartments & townhouses).

### **3. SANITARY SEWER SYSTEM**

- a. Our records indicate that the subject lot is currently serviced with a 100-mm diameter sanitary sewer service. The Applicant's Consulting Mechanical Engineer will determine the requirements of the proposed development and establish the service needs. Only one service will be permitted for this development.
- b. The applicant must arrange for the removal and disconnection of the existing service off a rear yard main to the north of the subject lot. New service connection is to be provided off main within Lynrick Rd. Service must be complete with an inspection chamber and brooks box (as per SS-S7 & SS-S9), at the applicants cost.

### **4. STORM DRAINAGE**

- a. This property is located within an area identified by the City of Kelowna as having poor infiltration conditions. Service connection to the City storm system, complete with onsite detention and flow control, is required for all multi-family land uses. The City will not permit infiltration to ground except for foundation drainage.
- b. The Developer's consulting civil engineer must provide a stormwater management plan for the site, which meets all requirements of the Subdivision, Development, and Servicing Bylaw No. 7900. SWMP must include lot grading plan, minimum basement elevations (MBE), and onsite drainage systems.
- c. Provide the following drawings:
- i. A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
  - ii. A detailed Stormwater Management Plan for this subdivision; and,
  - iii. An Erosion and Sediment Control Plan is to be prepared by a Professional Engineer proficient in the field of erosion and sediment control. The plan is to be prepared as per section 3.14 of Schedule 4 of Bylaw 7900. If a line item for ESC is not included in the Engineer's cost estimate for off-site work, then an additional 3% will be added to the performance security based on the total off-site construction estimate.
- d. On-site detention systems are to be compliant with Bylaw 7900, Schedule 4, Section 3.11.1 *Detention Storage*.
- e. As per Bylaw 7900, Schedule 4, Section 3.1.3 Climate Change, the capacity of storm works will include an additional 15 percent (15%) upward adjustment, and applied to the rainfall intensity curve stage (IDF) in Section 3.7.2.
- f. Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- g. Register right of ways on private properties for all the storm water infrastructure carrying, conveying, detaining and/or retaining storm water that is generated from the public properties, public road right of ways, and golf course lands.

<b>ATTACHMENT</b>		<b>A</b>
This forms part of application		
# OCP23-0011 / Z22-0028		
Planner Initials	TC	 City of <b>Kelowna</b> DEVELOPMENT PLANNING

- h. Where structures are designed or constructed below the proven high groundwater table, permanent groundwater pumping will not be permitted to discharge to the storm system. The City will approve designs that include provisions for eliminating groundwater penetration into the structure, while addressing buoyancy concerns. These design aspects must be reviewed and approved by the City Engineer.

## 5. **ROAD IMPROVEMENTS**


- a. Loseth Rd is classified in the 2040 OCP as a minor arterial therefore no access will be permitted off Loseth Rd. Required upgrades are to include landscaped and irrigated boulevard, removal of driveway letdown and replacement with sidewalk and barrier curb, and pavement removal, replacement, and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- b. Lynrick Rd is classified in the 2040 OCP as a collector and must be upgraded to an urban standard along the full frontage of the subject property. Required upgrades are to include curb and gutter, sidewalk, extension of storm drainage system, fillet paving, LED street lighting, landscaped and irrigated boulevard, pavement removal, replacement, and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- c. All Landscape and Irrigation plans require design and inspection by a Qualified Professional registered with the BCSLA and the IABC, are to be included as a line item in the estimate for the Servicing Agreement performance security. Landscape and irrigation plans require approval by the Development Engineering Branch at the same time as other “issued for construction” drawings.
- d. Streetlights must be installed on all public roads. All streetlighting plans are to include photometric calculations demonstrating Bylaw 7900 requirements are met and require approval by the Development Engineering Branch at the same time as other “issued for construction” drawings.

## 6. **POWER AND TELECOMMUNICATION SERVICES**

- a. All proposed distribution and service connections are to be installed underground. 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.
- b. If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City’s Development Manager.
- c. Re-locate existing poles and utilities, where necessary including within lanes. Remove aerial trespass(es).

## 7. **GEOTECHNICAL STUDY**

- a. At time of Building Permit, the Applicant is required to provide a comprehensive geotechnical report, prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below:

<b>ATTACHMENT</b>		<b>A</b>
This forms part of application		
# OCP23-0011 / Z22-0028		
Planner Initials	TC	 City of <b>Kelowna</b> DEVELOPMENT PLANNING


- i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
  - ii. Site suitability for development.
  - iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
  - iv. Any special requirements for construction of roads, utilities, and building structures.
  - v. Recommendations for items that should be included in a Restrictive Covenant.
  - vi. Recommendations for roof drains and perimeter drains.
  - vii. Recommendations for erosion and sedimentation controls for water and wind.
  - viii. Any items required in other sections of this document.
- b. Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

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.

- c. If any blasting is proposed as part of this subdivision, a Soil Removal and Deposit Application must be made to the City for such works. The proposed blasting work is to comply with Amendment No. 1 to the Soil Removal and Deposit Regulation Bylaw No. 9612, specifically Section 6 PERMIT REQUIREMENTS – (k) and (g).
- d. Should any on-site retaining walls surpass the following limits, an Over Height Retaining Wall Permit will be required:

“Retaining walls on all lots, except those required as a condition of subdivision approval, must not exceed a height of 1.2 m measured from natural grade on the lower side, and must be constructed so that any retaining walls are spaced to provide a 1.2 m horizontal separation between tiers. The maximum number of tiers is two with a maximum total height of 2.4 m. Any multi-tier structure more than 2 tiers must be designed and constructed under the direction of a qualified professional engineer.”

- e. The design of all retaining walls is to conform with Engineer & Geoscientists British Columbia's Professional Practice Guidelines for Retaining Wall Design. Submission requirements for the Over Height Retaining Wall Permit include Engineer of Record documents (Appendix A of Retaining Wall Design Guideline) and any necessary independent reviews (as per EGBC's Documented Independent Review of Structural Designs).
- f. Any modified slopes having a finished slope greater than 2H:V1 (50%) and an elevation change greater than 1.2 m must be installed under the direction of a qualified professional engineer.

<b>ATTACHMENT</b>		<b>A</b>
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		 <b>City of Kelowna</b> <small>DEVELOPMENT PLANNING</small>

- g. Any exposed natural rock surface on a lot that has the potential for materials to displace causing a hazardous condition, must be reviewed by a qualified professional engineer with the appropriate and measures undertaken as prescribed by the engineer. For adequate Rockfall Protection adjacent to walls and rock cuts, please consider BC MoTI Supplement to TAC Geometric Design Guide 440, page 440-8, which outlines a ditch bottom width depending on wall height. Sidewalks and utilities should be kept out of this protection area. Additional ROW may be required.


Where walls are on the high side, the City's preference is that the walls remain setback and on private property. Where the walls hold up a public road, the City's preference is that additional dedication be provided, and the walls be owned by the City. Please design any geogrids or tie-backs so that they do not encroach into the required road ROW.

## **8. DEVELOPMENT RELATED ISSUES / SITE ACCESS**

- a. All access to development must be from Lynrick Rd. Only one driveway will be permitted with a maximum width of 6m.
- b. Indicate on the site, the locations of the garbage and recycle bins. Provide turning movements for a HSU vehicle to confirm manoeuvrability on site without requiring reverse movement onto Lynrick Rd.
- c. All existing easements and covenants must be maintained. Application must be made to the City's Real Estate Services Department for any easements registered in favour of the City that the Developer would like to request release of. Easements and/or covenants will only be released if, upon internal City review, they are deemed no longer necessary.

## **9. DESIGN AND CONSTRUCTION**

- a. 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.
- b. 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.
- c. 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).
- d. A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e. 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 Works & Utilities 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.

<b>ATTACHMENT</b>		<b>A</b>
This forms part of application		
# OCP23-0011 / Z22-0028		
Planner Initials	<b>TC</b>	 <b>City of Kelowna</b> <small>DEVELOPMENT PLANNING</small>

**10. SERVICING AGREEMENT FOR WORKS AND SERVICES**


- a. 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.
- b. 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.

**11. CHARGES, FEES, AND SECURITIES**

- a. Development Cost Charges (DCC’s) are payable.
- b. Fees per the “Development Application Fees Bylaw” include:
  - i. Street Marking/Traffic Sign Fees: at cost (to be determined after design).
  - ii. Survey Monument Fee: \$50.00 per newly created lot (GST exempt).
  - iii. Survey Monument Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
  - iv. Engineering and Inspection Fee: 3.5% of frontage upgrades (plus GST).

  
 Nelson Chapman, P.Eng.  
 Development Engineering Manager

SK

<b>ATTACHMENT</b>		<b>A</b>
This forms part of application		
# OCP23-0011 / Z22-0028		
Planner Initials	<b>TC</b>	 <b>City of Kelowna</b> <small>DEVELOPMENT PLANNING</small>

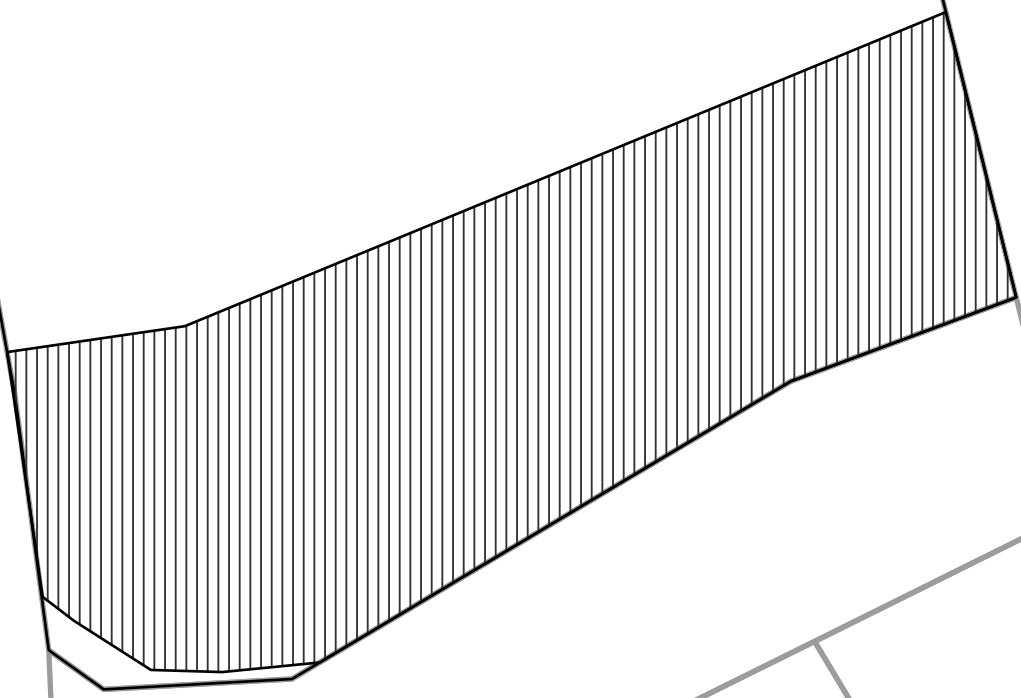


**ATTACHMENT** Map A  
 This forms part of application  
 # OCP23-0011 Z22-0028  
 City of Kelowna  
 DEVELOPMENT PLANNING  
 Planner Initials TC





LYNRICK RD

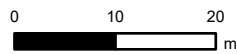
1702



**MAP "A" OCP AMENDMENT  
 OCP23-0011**

-  Suburban Multiple Unit (S-MU) to Natural Area (NAT)
-  Subject Property

This map is for general information only.  
 The City of Kelowna does not guarantee its  
 accuracy. All information should be verified.



Rev. Tuesday, November 7, 2023



# ATTACHMENT

Map B

This forms part of application

# OCP23-0011 Z22-0028



City of  
**Kelowna**  
DEVELOPMENT PLANNING

Planner  
Initials **TC**



LYNRICK RD

1702

## MAP "B" ZONING AMENDMENT Z22-0028

- Large Lot Rural Residential (RR1) to Parks and Open Space (P3)
- Large Lot Rural Residential (RR1) to Townhouse Housing (MF2)
- Subject Property

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Rev. Tuesday, November 7, 2023





City of  
**Kelowna**

# OCP23-0011 / Z22-0028 1702 Lynrick Road

OCP Amendment & Rezoning Applications



# Purpose

- ▶ To amend the Official Community Plan to change the future land use designation of portions of the subject property from the S-MU – Suburban Multiple Unit designation to NAT – Natural Areas and to rezone the subject property from the RR1 – Large Lot Rural Residential zone to the MF2 – Townhouse Housing zone and the P3 – Parks and Open Space zone to facilitate a townhouse development.

# Development Process

Apr 26, 2022

Development Application Submitted

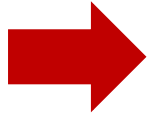


Staff Review & Circulation



Oct 13, 2023

Public Notification Received



Nov 27, 2023

Initial Consideration



Public Hearing



Final Reading & DP



Building Permit

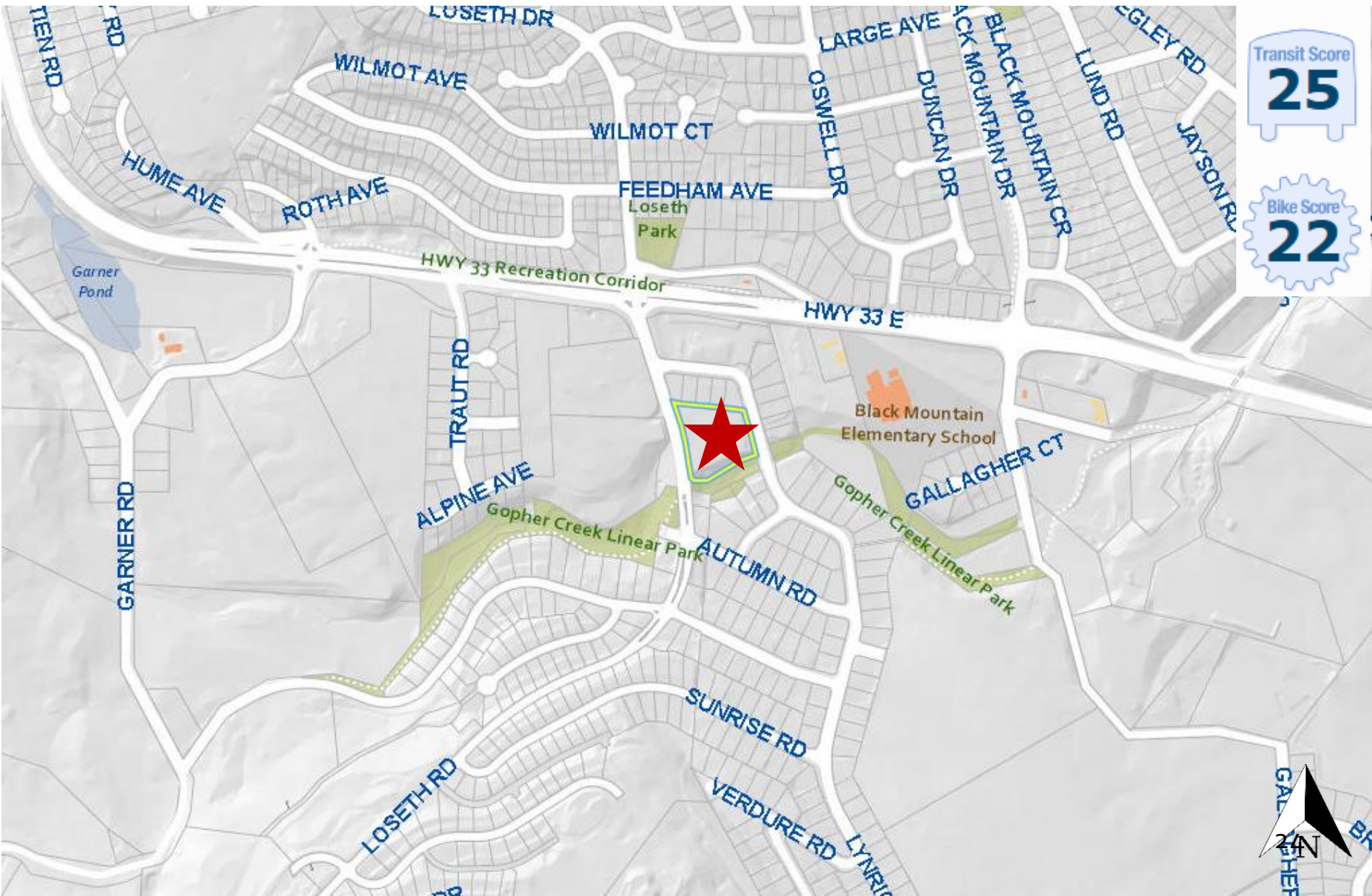
Council  
Approvals

# Context Map

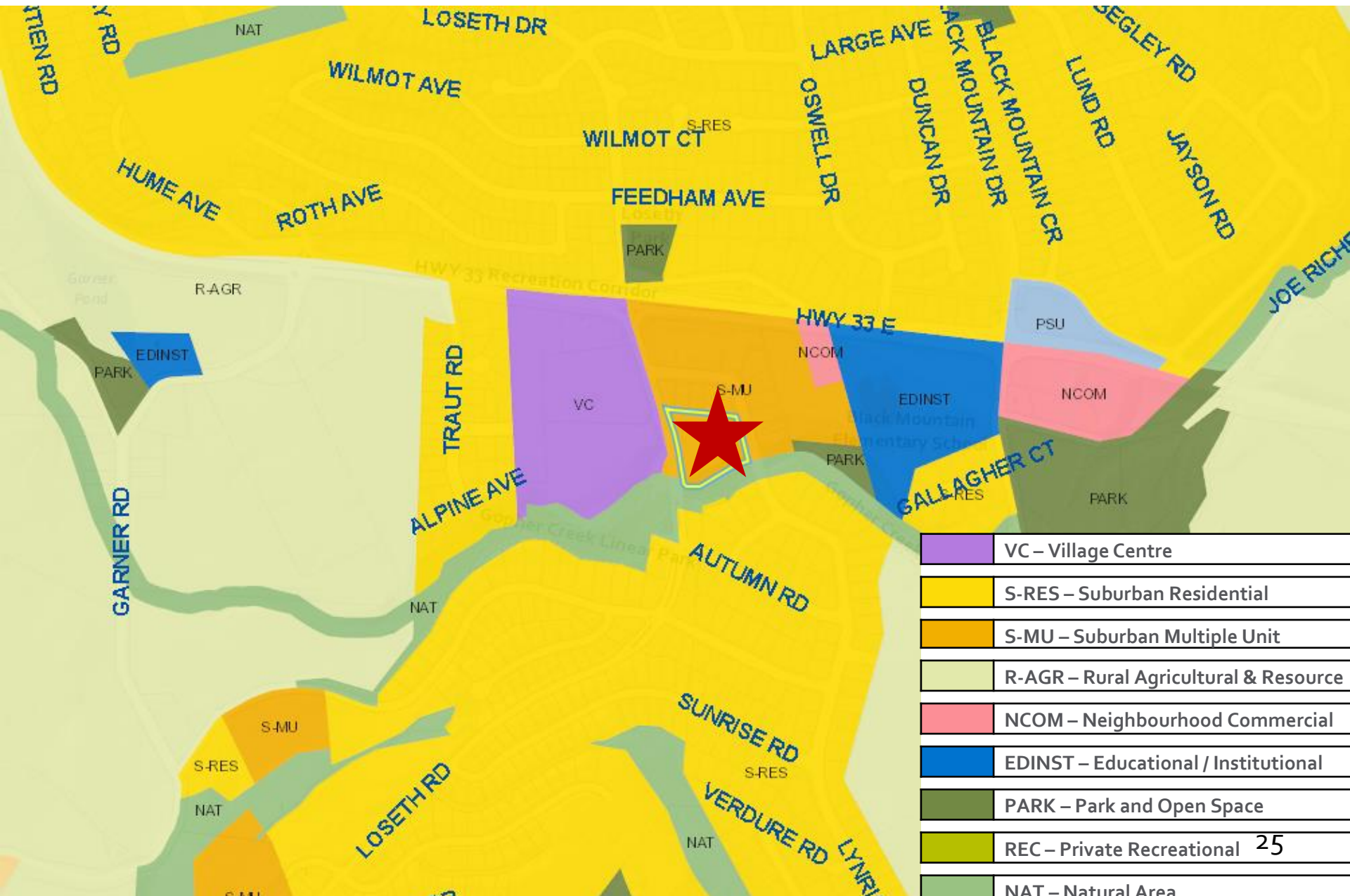
Walk Score  
**36**










Transit Score  
**25**

Bike Score  
**22**



# OCP Future Land Use



	VC – Village Centre
	S-RES – Suburban Residential
	S-MU – Suburban Multiple Unit
	R-AGR – Rural Agricultural & Resource
	NCOM – Neighbourhood Commercial
	EDINST – Educational / Institutional
	PARK – Park and Open Space
	REC – Private Recreational
	NAT – Natural Area



# Subject Property Map



# Project Details

- ▶ The property has Future Land Use Designation of S-MU – Suburban Multiple Unit.
- ▶ The property is in close proximity to Black Mountain Elementary School.
- ▶ The proposal requires land dedication to establish the Gopher Creek RMA and a linear park trail.
- ▶ The Rezoning to the MF2 is to facilitate a townhouse development.
  - ▶ 38 3-bedroom units;
  - ▶ If successful, a Development Permit is to follow.



# OCP Amendment



# OCP Objectives & Policies

- ▶ Policy 7.2.1. Ground-Oriented Housing
  - ▶ The site will be made up of low-density ground-oriented housing.
- ▶ Policy 7.2.3 Integrate Nature
  - ▶ The proposal includes land dedication to add a new park trail and protect Gopher Creek.
- ▶ Policy 7.3.1 Private Open Space.
  - ▶ The proposal is to add common amenity space throughout the site.

# Staff Recommendation

- ▶ Staff recommend **support** for the proposed OCP Amendment and Rezoning as:
  - ▶ The OCP Amendment is triggered due to land dedication.
    - ▶ The land will extend the Gopher Creek linear trail corridor and protect the riparian area of Gopher Creek.
  - ▶ The zone is consistent with S-MU – Suburban Multiple Unit.
  - ▶ The proposal provides ground-oriented housing near the future Village Centre and Black Mountain Elementary School

# CITY OF KELOWNA

## BYLAW NO. 12603

### Official Community Plan Amendment No. OCP23-0011 1702 Lyrnick Road

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A bylaw to amend the "*Kelowna 2040* – Official Community Plan Bylaw No. 12300".

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

1. THAT Map 3.1 – **Future Land Use** of "*Kelowna 2040* – Official Community Plan Bylaw No. 12300" be amended by changing the Future Land Use designation of a portion of Lot A Section 13 Township 26 and of Section 18 Township 27 ODYD Plan KAP48482 Except Plan KAP75423 located on Lyrnick Road, Kelowna, BC from the S-MU – Suburban – Multiple Unit designation to the NAT – Natural Areas designation as shown on Map "A" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

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





**MAP "A" OCP AMENDMENT  
OCP23-0011**

-  Suburban Multiple Unit (S-MU) to Natural Area (NAT)
-  Subject Property

This map is for general information only.  
The City of Kelowna does not guarantee its  
accuracy. All information should be verified.

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Rev. Tuesday, November 7, 2023





**CITY OF KELOWNA**

**BYLAW NO. 12604**

**Z22-0028**

**1702 Lynrick Road**

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of portions of Lot A Section 13 Township 26 and of Section 18 Township 27 ODYD Plan KAP48482 Except Plan KAP75423 located on Lynrick Road, Kelowna, BC from the RR1 – Large Lot Rural Residential zone to the P3 – Parks and Open Space zone and the MF2 – Townhouse Housing zone as shown on Map "B" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

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(Approving Officer – Ministry of Transportation)

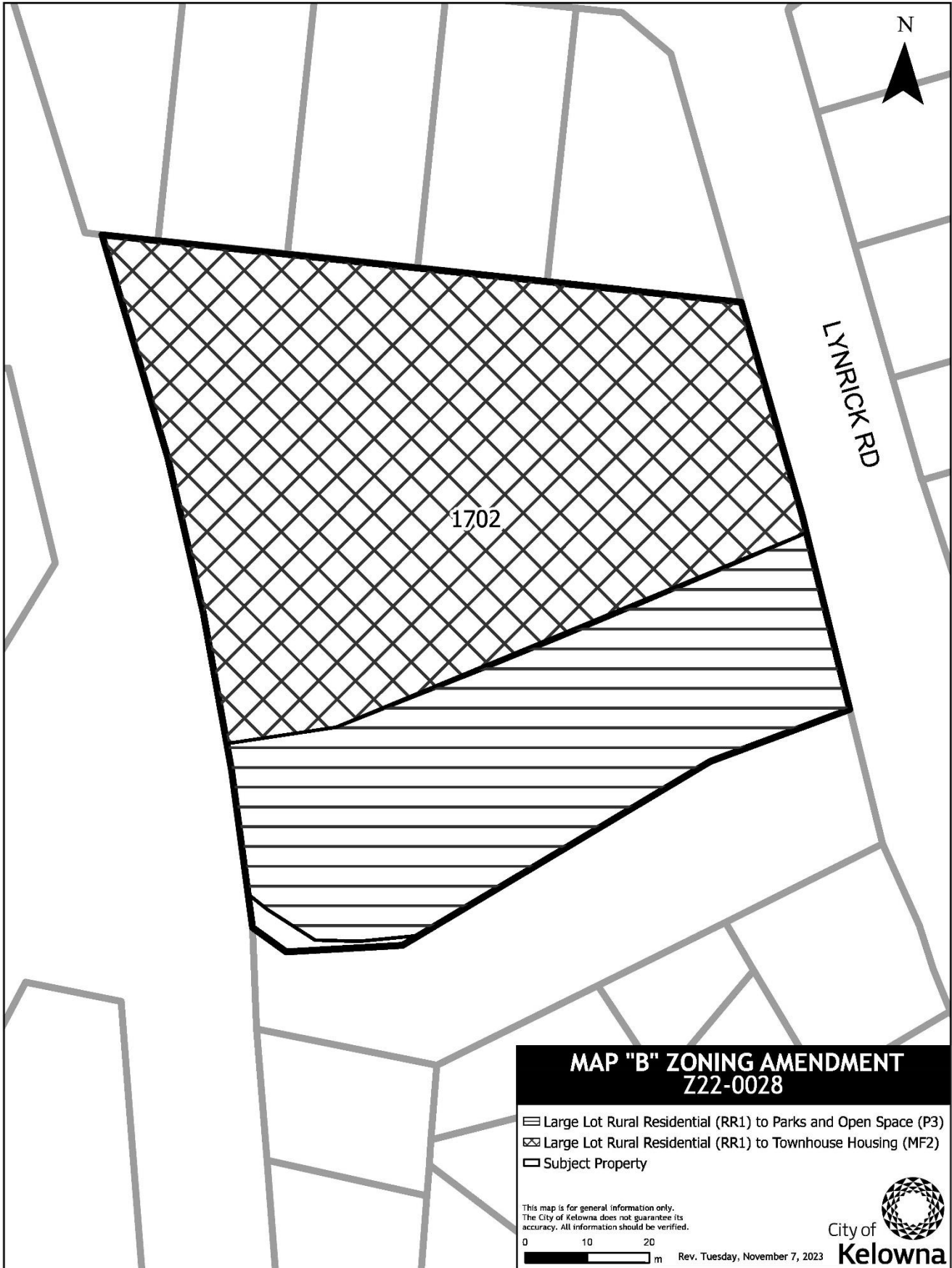
Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



# REPORT TO COUNCIL REZONING



**Date:** November 27, 2023  
**To:** Council  
**From:** City Manager  
**Address:** 949 Hewetson Court  
**File No.:** Z23-0064

	Existing	Proposed
<b>OCP Future Land Use:</b>	S-MU – Suburban – Multiple Unit	S-MU – Suburban – Multiple Unit
<b>Zone:</b>	RU1 – Large Lot Housing	MF2 – Townhouse Housing

## 1.0 Recommendation

THAT Rezoning Application No. Z23-0064 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 1 District Lot 579 SDYD Plan EPP77194, located at 949 Hewetson Court, Kelowna, BC from the RU1 – Large Lot Housing zone to the MF2 – Townhouse Housing zone, be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent the outstanding conditions of approval as set out in Attachment “A” attached to the Report from the Development Planning Department dated November 27, 2023;

AND THAT final adoption of the Rezoning Bylaw be considered in conjunction with issuance of a Natural Environment and Hazardous Condition Development Permit;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council’s consideration of a Form and Character Development Permit for the subject property.

## 2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the MF2 – Townhouse Housing zone to facilitate a multi-family development.

## 3.0 Development Planning

Staff support the proposed rezoning from the RU1 – Large Lot Housing zone to the MF2 – Townhouse Housing zone to facilitate the construction of 28 new residential units. The subject property has the Future Land Use Designation of S-MU – Suburban Multiple Unit and is within the Permanent Growth Boundary. As such, the proposed zone is consistent with the Official Community Plan (OCP) objectives. In addition, the proposed design meets the minimum setbacks, parking and other Development Regulations as outlined in the Zoning Bylaw.

Due to the regulatory complexity of developing land within environmentally sensitive and hillside areas, Staff are recommending final adoption be considered subsequent to the issuance of a Natural Environment and Hazardous Condition Development Permit.

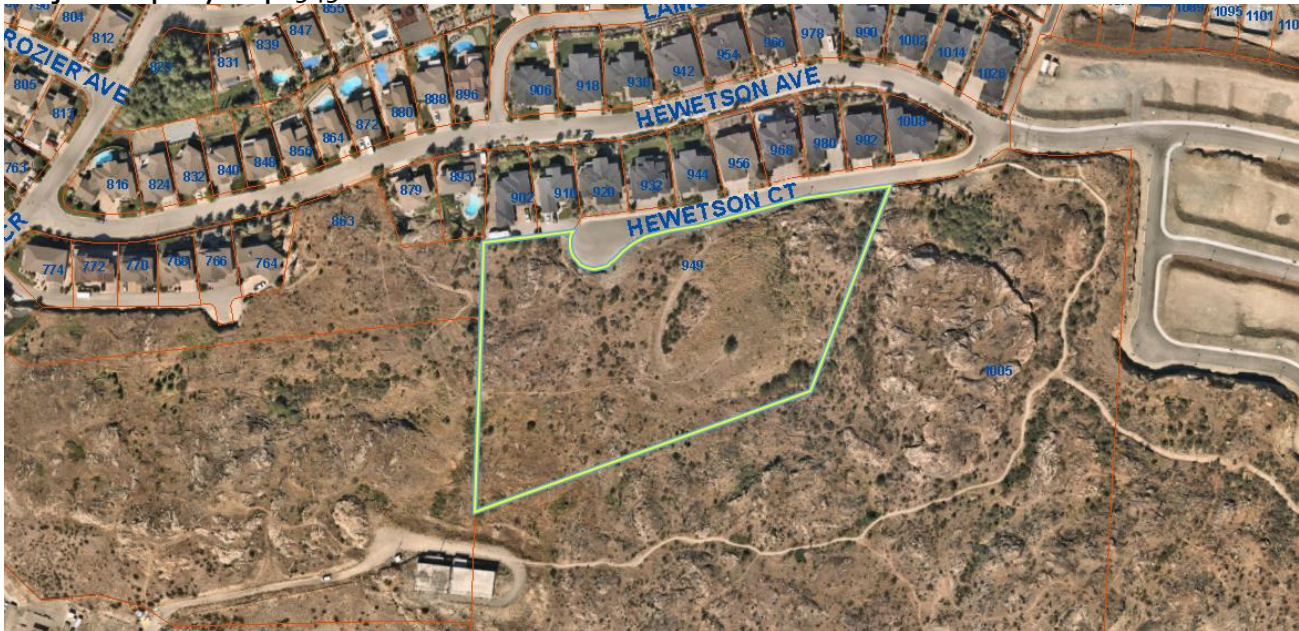
Lot Area	Proposed (m <sup>2</sup> )
Gross Site Area	18,260 m <sup>2</sup>
Road Dedication	n/a
Undevelopable Area	11,291 m <sup>2</sup>
Net Site Area	6,969 m <sup>2</sup>

**4.0 Site Context & Background**

The subject property is in the Southwest Mission OCP Sector and is located on Hewetson Court. The property is currently vacant and is surrounded by Kuiper’s Peak Mountain Park to the South, East and West. The surrounding area is primarily zoned RU1 – Large Lot Housing and P3 – Parks and Open Space.

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single-Detached Housing
East	P3 – Parks and Open Space	Kuipers’ Peak Mountain Park
South	P3 – Parks and Open Space	Kuipers’ Peak Mountain Park
West	P3 – Parks and Open Space	Kuipers’ Peak Mountain Park

**Subject Property Map: 949 Hewetson Court**



**4.1 Background**

The Neighbourhood 3 Area Structure Plan (ASP) for “The Ponds” neighbourhood and related OCP amendments were adopted by Council on April 3, 2007. The Plan envisions a logical pattern of development for Neighbourhood 3 that would result in a high quality, attractive and complete community. The ASP notes



that the development concept has been formulated to work harmoniously with the topography and to retain the integrity of water features and their surroundings. The subject property was specifically identified as being suitable for cluster housing. The ASP anticipated that the maximum achievable density for cluster residential development in Neighbourhood 3 would be within the range of 15 to 20 dwelling units per hectare, but up to 30 could be possible.

A previous rezoning amendment application was made for the property in January of 2023 and proposed 31 units in a similar configuration. That application was not supported by Council at the time.

4.2 Project Description

The proposed rezoning to MF2 – Townhouse Housing is to facilitate 28 units, which are a mix of single-detached housing and semi-detached housing. The applicant is proposing 15.3 units per hectare. The subject property is currently vacant, and the development will be accessed by a new drive aisle from Hewetson Court. The proposal will include two separate pedestrian accesses to Kuiper’s Peak Mountain Park, along with a Statutory-Right-Of-Way to allow public access through the site.

5.0 **Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

<b>Objective 7.2 Design Suburban Neighbourhoods to be low impact, context sensitive and adaptable</b>	
Policy 7.1.1. Area Structure Plan Consistency.	<p>Support development that is consistent with adopted Area Structure Plans (ASPs) in Suburban Neighbourhoods. Reuqire amendments to ASPs where proposals include significant increases to the number of residential units beyond those signaled in an ASP or where proposals are likely to require changes to planned transporaation, parks and utility infrastructure.</p> <p><i>The subject property was identified as cluster housing in the Neighbourhood 3 ASP. The ASP anticipated 15 to 20 dwellings per hectare, but up to 30 was possible. This proposal is consistent with 15.3 units per hectare proposed.</i></p>
Policy 7.2.1 Ground Oriented Housing	<p>Consider a range of low-density ground-oriented housing development to improve housing diversity and affordability to reduce the overall urban footprint of Suburban Neighbourhoods. Focus more intensive ground-oriented housing where it is in close proximity to small scale commercial services, amenities like schools and parks, existing transit service and/or transportation facilities</p> <p><i>The proposed development provides ground-oriented housing.</i></p>

## 6.0 Application Chronology

Application Accepted: September 14, 2023  
Neighbourhood Notification Summary Received: September 16, 2023

**Report prepared by:** Wesley Miles, Planner Specialist  
**Reviewed by:** Lydia Korolchuk, Acting Planning Supervisor  
**Reviewed by:** Dean Strachan, Community Planning & Development Manager  
**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

### Attachments:

Attachment A: Development Engineering Memo

For additional information, please visit our Current Developments online at [www.kelowna.ca/currentdevelopments](http://www.kelowna.ca/currentdevelopments).



CITY OF KELOWNA

Planner  
Initials

WM

City of  
**Kelowna**  
DEVELOPMENT PLANNING

## MEMORANDUM

**Date:** October 20, 2023  
**File No.:** Z23-0064  
**To:** Urban Planning Manager (WM)  
**From:** Development Engineering Manager (NC)  
**Subject:** 949 Hewetson Court Rezoning RU1 to MF2

The Development Engineering Branch has the following comments for this Rezoning application for the cluster housing project named The Heights At Upper Mission. All works and servicing upgrades will be required as a condition of rezoning. The Development Engineering Technologist for this project is John Filipenko ([jfilipenko@kelowna.ca](mailto:jfilipenko@kelowna.ca)).

### 1. GENERAL

- a. This proposed development may require the installation of centralized mail delivery equipment. Please contact Arif Bhatia, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC, V1Y 2K0, (250) 859-0198, [arif.bhatia@canadapost.ca](mailto:arif.bhatia@canadapost.ca) to obtain further information and to determine suitable location(s) within the development.
- b. The following requirements are valid for two (2) years from the reference date of this memo, or until the application has been closed, whichever occurs first.  
The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.

### 2. DOMESTIC WATER AND FIRE PROTECTION

- a. The subject lot is located within the City of Kelowna water supply area.
- b. The existing lot is not currently serviced. Only one service will be permitted for this development.
- c. The Developer's Consulting Engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. The bylaw maximum fire flow demand for two dwelling residential is 60 L/s and is available at the property line of the site. If it is determined that upgrades to any other existing water distribution system must be made to achieve the required fire flows at the higher elevations of the site, additional bonding may be required.

- d. The Neighborhood 3 Area Structure Plan identifies that this property requires a booster station. The booster station will serve this property exclusively and needs to be privately owned and operated by the property owner, if determined to be necessary to achieve MDD+FF demand for the site. The Developer's Consulting Engineer must consider infrastructure design that is adequate for fire protection, including fire hydrants, fire flows, and backup power.
- e. An approved backflow protection device must be installed on site as required by the City Plumbing Regulation and Water Regulation bylaws.
- f. 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 their cost.
- g. The subject property is within the South Mission Water ESA #15 and the Kuipers Reservoir Expansion ESA #17 and latecomer fees will apply.

### 3. **SANITARY SEWER SYSTEM**

- a. The subject property is located within the City of Kelowna sewer service area. Our records indicate that this property is not currently serviced by sanitary sewer.
- b. Service connections are to be completed with an inspection chamber (c/w Brooks Box) as per SS-S7 and may not be extended at an angle that exceeds 45° from perpendicular to the main.
- c. The Applicant's Consulting Mechanical Engineer will determine the requirements of the proposed development and establish the service needs.
- d. Only one service will be permitted for this development.

### 4. **STORM DRAINAGE**

- a. The subject property is located within the City of Kelowna drainage service area. The hillside areas of Kelowna are not suitable for groundwater recharge or disposal of on/offsite drainage via infiltration. Roof or site drainage for this development must discharge directly to the City of Kelowna's storm system at the 1:5 yr. pre-development rate. The City will not permit infiltration to ground except for foundation perimeter drains above the established high-level groundwater table.
- b. Our records indicate that this property is not currently serviced by storm sewer.
- c. The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the Subdivision, Development and Servicing Bylaw No. 7900.



- d. Provide the following drawings:
  - a. A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill), grading directly to a natural drainage path must include adequate erosion control and water quality improvement measures.
  - b. A detailed Stormwater Management Plan for this development; and,
  - c. An Erosion and Sediment Control Plan is to be prepared by a Professional Engineer proficient in the field of erosion and sediment control. The plan is to be prepared as per section 3.14 of Schedule 4 of Bylaw 7900. If a line item for ESC is not included in the Engineer's cost estimate for off-site work, then an additional 3% will be added to the performance security based on the total off-site construction estimate.
- e. On-site detention systems are to be compliant with Bylaw 7900, Schedule 4, Section 3.11.1 Detention Storage.
- f. As per Bylaw 7900, Schedule 4, Section 3.1.3 Climate Change, the capacity of storm works will include an additional 15 percent (15%) upward adjustment and applied to the rainfall intensity curve stage (IDF) in Section 3.7.2.
- g. Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- h. Register right of ways on private properties for all the storm water infrastructure carrying, conveying, detaining and/or retaining storm water that is generated from the public properties, public road right of ways, and golf course lands.
- i. Identify clearly on a contour map, or lot grading plan, all steep areas (>30 %). Provide cross sections for all steep areas at each property corner and at locations where there are significant changes in slope. Cross sections are to be perpendicular to the contour of the slope. Show the proposed property lines on the cross sections. Not all areas have a clear top of bank; and therefore, field reconnaissance by City staff and the applicant may be needed to verify a suitable location for property lines.
- j. Where structures are designed or constructed below the proven high groundwater table, permanent groundwater pumping will not be permitted to discharge to the storm system. The City will approve designs that include provisions for eliminating groundwater penetration into the structure, while addressing buoyancy concerns. These design aspects must be reviewed and approved by the City Engineer.
- k. Only one service will be permitted for this development.

## 5. ROAD IMPROVEMENTS

- a. Hewetson Court fronting the subject property must be upgraded to an urban standard (modified SS-H14) with a landscaped and irrigated boulevard.
- b. All Landscape and Irrigation plans require design and inspection by a Qualified Professional registered with the BCSLA and the IIABC, are to be included as a line item in the estimate for the Servicing Agreement performance security. Landscape and irrigation plans require approval by the Development Engineering Branch at the same time as other “issued for construction” drawings.
- c. Grade the fronting road boulevards in accordance with the standard drawing. Major cut/fill slopes must start at the property lines.
- d. Streetlights must be installed on all public roads. All streetlighting plans are to include photometric calculations demonstrating Bylaw 7900 requirements are met and require approval by the Development Engineering Branch at the same time as other “issued for construction” drawings.

## 6. POWER AND TELECOMMUNICATION SERVICES

- a. All proposed distribution and service connections are to be installed underground. 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. The utility companies are required to obtain the City’s approval before commencing construction.
- b. Please make arrangements with Fortis BC for the pre-payment of applicable charges.

## 7. GEOTECHNICAL STUDY

- a. 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.**
- b. The Geotechnical reports must be submitted to the Development Services Department (Subdivision Approving officer) 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. Slope stability, rock fall hazard and slippage including the effects of drainage on the site.
  - f. Identify slopes greater than 30%.
  - g. Top of bank assessment and location including recommendations for property line locations, building setbacks, and ground water disposal locations.
  - h. Recommendations for items that should be included in a Restrictive Covenant.
  - i. Any special requirements that the proposed development should undertake so that it will not impact the banks(s). The report must consider erosion and structural requirements.
  - j. Recommendations for erosion and sedimentation controls for water and wind.
  - k. Any items required in other sections of this document.
  - l. Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
- c. If any blasting is proposed as part of this subdivision, a Soil Removal and Deposit Application must be made to the City for such works. The proposed blasting work is to comply with Amendment No. 1 to the Soil Removal and Deposit Regulation Bylaw No. 9612, specifically Section 6 PERMIT REQUIREMENTS – (k) and (g).
- d. Should any on-site retaining walls surpass the following limits, an Over Height Retaining Wall Permit will be required:

“Retaining walls on all lots, except those required as a condition of subdivision approval, must not exceed a height of 1.2 m measured from natural grade on the lower side, and must be constructed so that any retaining walls are spaced to provide a 1.2 m horizontal separation between tiers. The maximum number of tiers is two with a maximum total height of 2.4 m. Any multi-tier structure more than 2 tiers must be designed and constructed under the direction of a qualified professional engineer.”

- e. The design of all retaining walls is to conform with Engineer & Geoscientists British Columbia's *Professional Practice Guidelines for Retaining Wall Design*. Submission requirements for the Over Height Retaining Wall Permit include Engineer of Record documents (Appendix A of *Retaining Wall Design Guideline*) and any necessary independent reviews (as per EGBC's *Documented Independent Review of Structural Designs*).
- f. Any modified slopes having a finished slope greater than 2H:V1 (50%) and an elevation change greater than 1.2 m must be installed under the direction of a qualified professional engineer.
- g. Any exposed natural rock surface on a lot that has the potential for materials to displace causing a hazardous condition, must be reviewed by a qualified professional engineer with the appropriate and measures undertaken as prescribed by the engineer. For adequate Rockfall Protection adjacent to walls and rock cuts, please consider BC MoTI Supplement to TAC Geometric Design Guide 440, page 440-8, which outlines a ditch bottom width depending on wall height. Sidewalks and utilities should be kept out of this protection area. Additional ROW may be required.

## 8. **ROAD DEDICATION AND SITE-RELATED ISSUES**

- a. Review existing cul-de-sac for turning movements. Dedicate and improve Hewetson Court as required for full turning movements based on City of Kelowna SS-R17.
- b. Only one driveway will be permitted with a maximum width of 6.0m.
- c. Indicate, on the site, the locations of the garbage and recycle bins. Provide turning movements for an HSU vehicle to confirm maneuverability on site without requiring reverse movement onto Findlay Road.
- d. Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City lands.
- e. If any road dedication affects lands encumbered by a Utility right-of-way, 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.
- f. To prevent private/public encroachment, the applicant will be required to delineate all private property lines adjacent to the open space parcel with a minimum 1.2m high black vinyl chain link fence (or approved equivalent) located 150mm within the private property. On residential lots with registered no-disturb covenants immediately adjacent to the Natural Area Park, the fence shall be located 150mm before the start of the covenant.



**9. DESIGN AND CONSTRUCTION**

- a. 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.
- b. 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.
- c. 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).
- d. A "Consulting Engineering Confirmation Letter" (City document "C") must be completed prior to submission of any designs.
- e. Before any construction related to the requirements of this application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Services department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that right-of-ways are required for current or future needs.

**10. SERVICING AGREEMENTS FOR WORKS AND SERVICES**

- a. 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.
- b. 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.

**11. CHARGES, FEES, AND SECURITIES**

- a. Development Cost Charges (DCC’s) are payable.
- b. Fees per the “Development Application Fees Bylaw” include:
  - a. Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
  - b. Engineering and Inspection Fee: 3.5% of construction value (plus GST).
- c. Extended Service Area Latecomer Fees:

ESA#	Frontender	Component	Anniversary (rates increase)	\$ Rate per EDU*
15	No. 21 Great Project Ltd.	South Mission Water (750mm Water Main)	2023-12-19	705.42
17	No. 21 Great Project Ltd.	Kuipers Reservoir Expansion	2024-06-01	2140.49

\*These fees are to be confirmed at time of development.

  
 \_\_\_\_\_  
 Nelson Chapman, P.Eng.  
 Development Engineering Manager

JF

**CITY OF KELOWNA**  
**BYLAW NO. 12598**  
**Z23-0064**  
**949 Hewetson Court**

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of Lot 1 District Lot 579 SDYD Plan EPP77194 located on Hewetson Court, Kelowna, BC from the RU1 – Large Lot Housing zone to the MF2 – Townhouse 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, 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



City of  
**Kelowna**

# Z23-0064 949 Hewetson Court

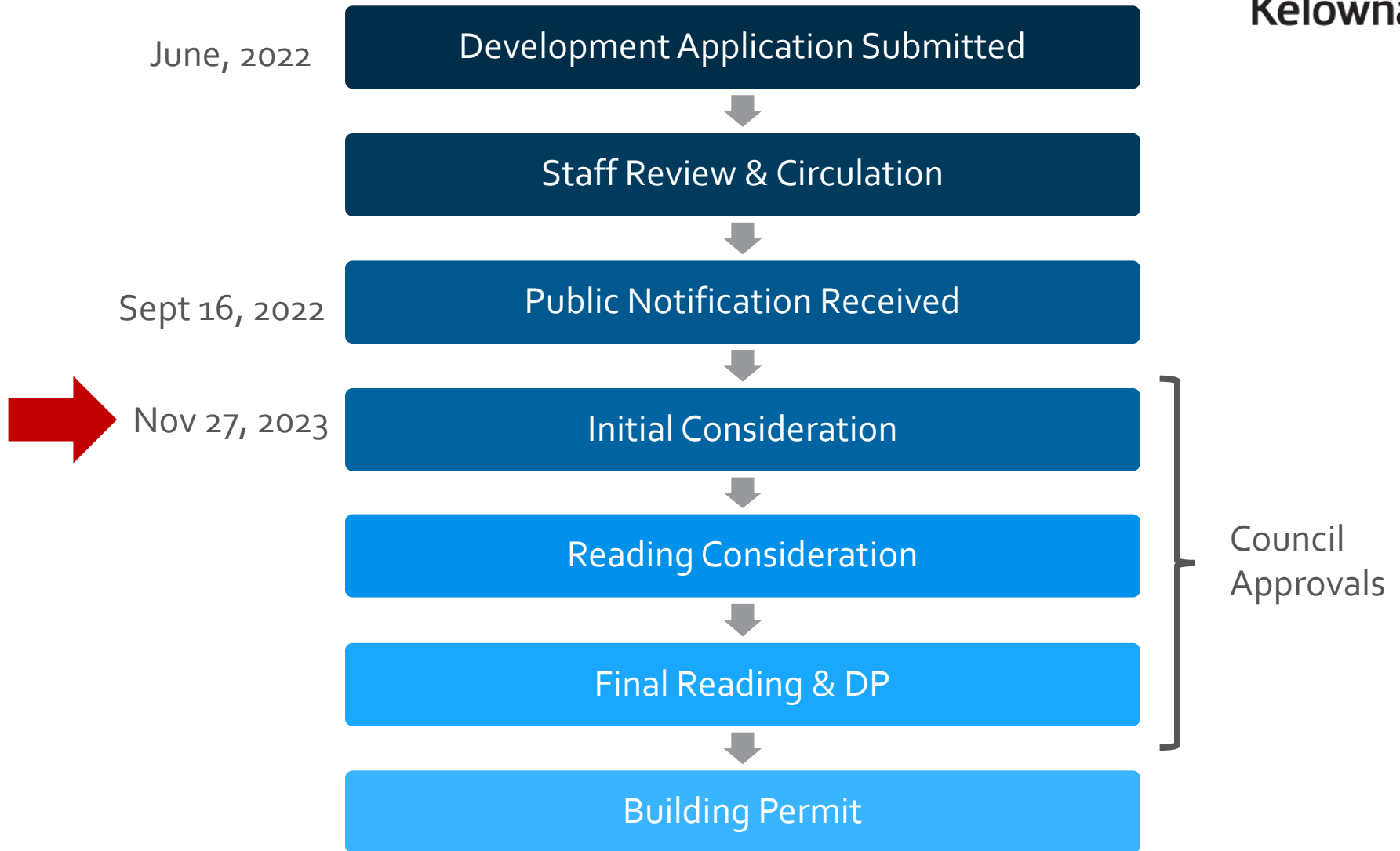
Rezoning Application



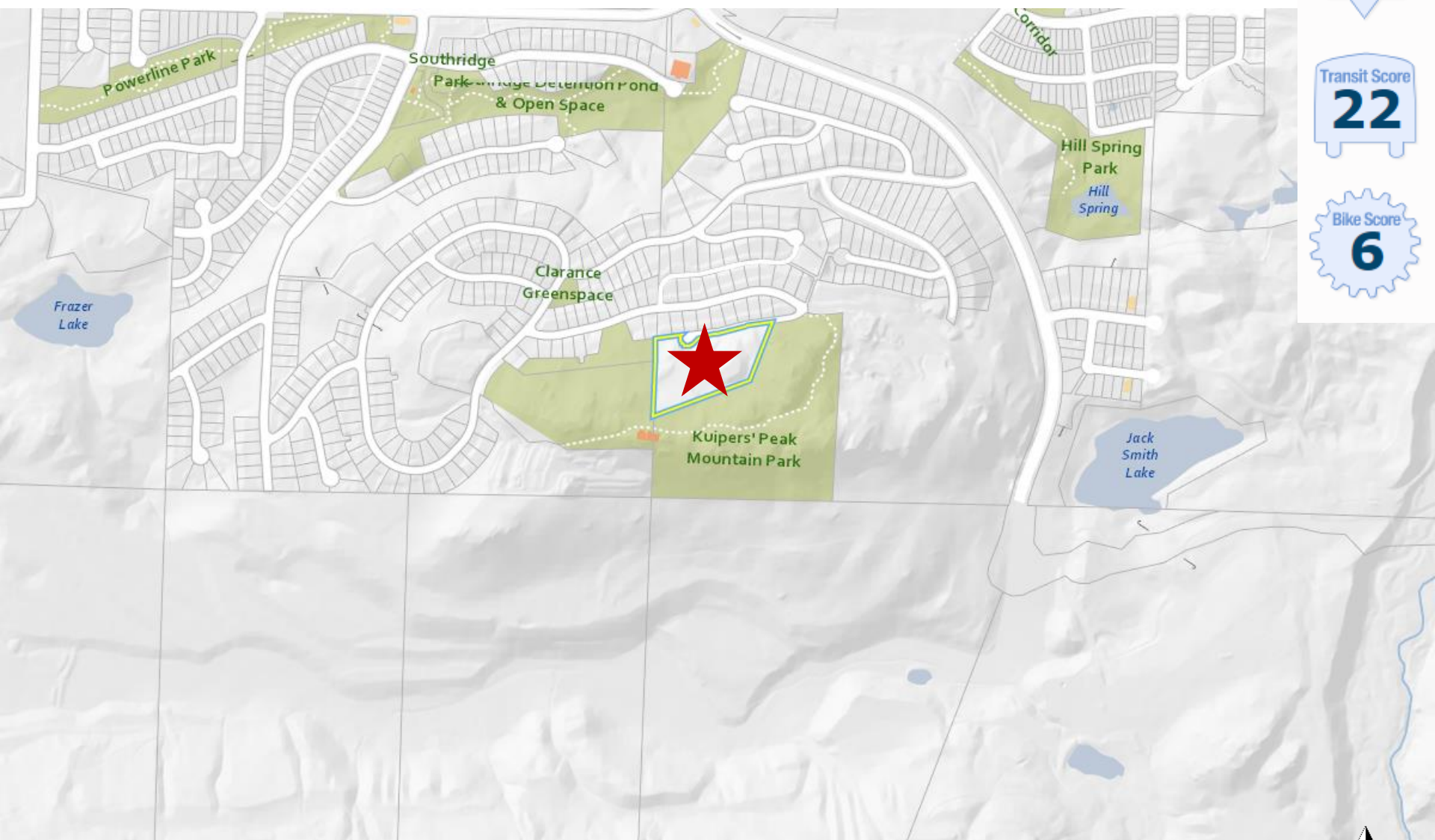
# Purpose

- ▶ To rezone the subject property from the RU<sub>1</sub> – Large Lot Housing zone to the MF<sub>2</sub> – Townhouse Housing zone to facilitate a multi-family development.

# Development Process



# Context Map



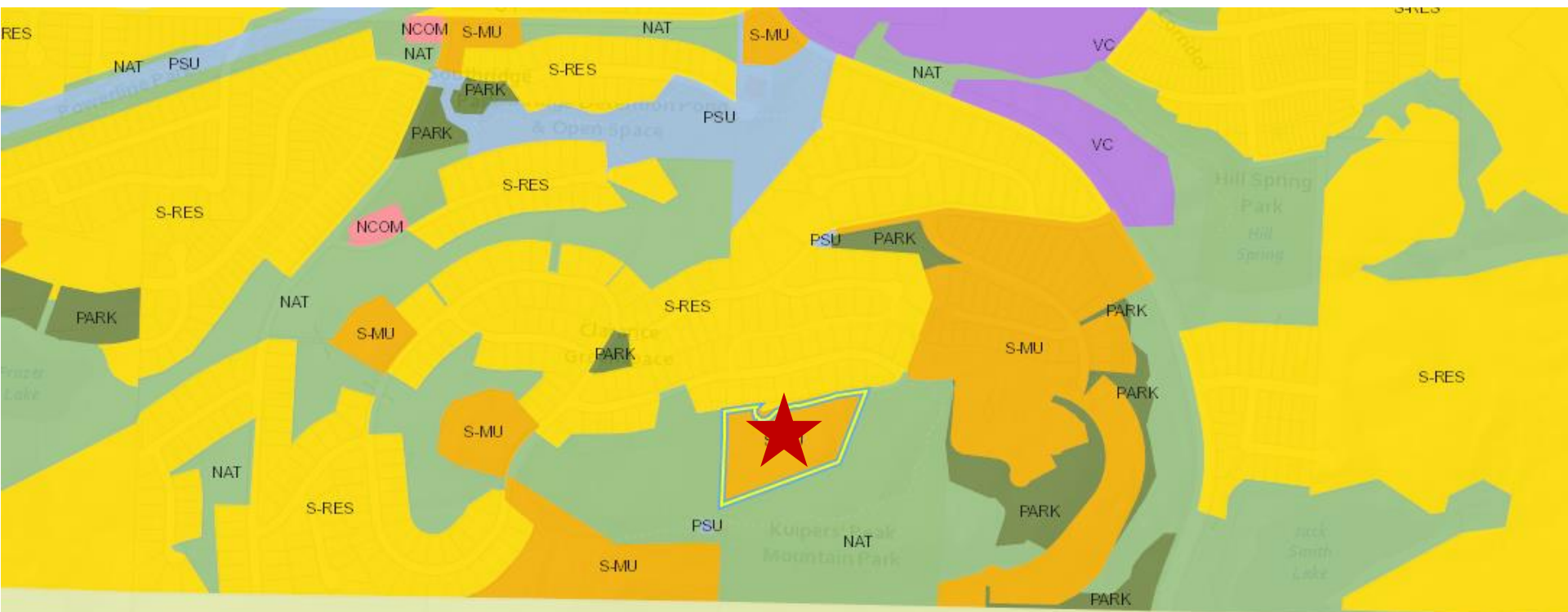
Walk Score  
**4**

Transit Score  
**22**

Bike Score  
**6**



# OCP Future Land Use





# Subject Property Map



# Background & Project Details

- ▶ January 2023 application for 31 units in similar configuration
- ▶ The Rezoning to the MF2 zone is to facilitate the construction of 28 new residential units.
  - ▶ Semi-Detached and Single Dwelling Housing.
- ▶ The proposal will include two pedestrian accesses to Kuiper's Mountain Park, including a Statutory-Right-Of-Way to allow public access.



# OCP Objectives & Policies

- ▶ Policy 7.1.1. Area Structure Plan consistency.
  - ▶ The proposal meets the Neighbourhood 3 ASP, which anticipates 15-20 dwellings per hectare.
  - ▶ The application proposes 15.3 units per hectare.
- ▶ Policy 7.2.1. Ground-Oriented Housing.
  - ▶ The proposal provides ground-oriented housing.

# Staff Recommendation

- ▶ Staff recommend support for the proposed rezoning as it is consistent with:
  - ▶ Subject property is within the Permanent Growth Boundary.
  - ▶ Meets the OCP Future Land Use: Suburban Multiple Unit and the Neighbourhood 3 ASP objectives/policies.
  - ▶ Development Permit to follow.



# REPORT TO COUNCIL REZONING



**Date:** November 27, 2023  
**To:** Council  
**From:** City Manager  
**Address:** 615 Francis Ave  
**File No.:** Z23-0041

	Existing	Proposed
<b>OCP Future Land Use:</b>	C-NHD – Core Area Neighbourhood	C-NHD – Core Area Neighbourhood
<b>Zone:</b>	MF2 – Townhouse Housing	MF1 – Infill Housing

## 1.0 Recommendation

THAT Rezoning Application No. Z23-0041 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 15 District Lot 14 ODYD Plan 1141, located at 615 Francis Avenue, Kelowna, BC from the MF2 – Townhouse Housing zone to the MF1 – Infill Housing zone be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment “A” attached to the Report from the Development Planning Department dated November 27, 2023.

## 2.0 Purpose

To rezone the subject property from the MF2 – Townhouse Housing zone to the MF1 – Infill Housing zone to facilitate a fourplex development.

## 3.0 Development Planning

Staff support the proposed rezoning from the MF2- Townhouse Housing zone to the MF1 – Infill Housing zone for the subject property. The 2040 Official Community Plan (OCP) Future Land Use designation is Core Area Neighbourhood (C-NHD) and this land use supports sensitive residential infill. The purpose of the MF1 – Infill Housing zone is to provide for infill development within the core area of the City limiting development to ground-oriented housing of two storeys. This zone is appropriate than the MF2 – Townhouse housing zone at this location as its mid-block and adjacent to low density residential.

Should Council support the rezoning, the associated Development Permit would not come to council as it would fall under the Staff Delegated Development Permit. At this time the applicant has submitted a Development Permit with no Variances to the MF1 – Infill Housing zone regulations.

Lot Area	Proposed (m <sup>2</sup> )
Gross Site Area	623.30 m <sup>2</sup>

4.0 Site Context & Background

Orientation	Zoning	Land Use
North	RU <sub>4</sub> – Duplex Housing	Duplex Housing
East	RU <sub>4</sub> – Duplex Housing	Single Detached Housing
South	RU <sub>4</sub> – Duplex Housing	Single Detached Housing
West	RU <sub>4</sub> – Duplex Housing	Single Detached Housing

Subject Property Map: 615 Francis Ave



The subject property is located mid-block on Francis Avenue between Pandosy Street and Richter Street. The Official Community Plan Future Land Use is Core Area Neighbourhood, which allows for a broad range of building forms. With the surrounding properties being single detached dwellings and duplexes, rezoning the site to MF1 – Infill Housing to accommodate a four-plex provides a better transition for the existing neighbourhood.

4.1 Background

In 2018, a rezoning application was supported by Council to rezone the subject property from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone under the previous Zoning Bylaw No. 8000. The Bylaw was adopted by Council on April 21, 2020. Following the adoption of the Bylaw, Council considered the associated Development Permit and Development Variance Permit. Councils’ decision was to defeat the proposal due to the massing of the development. However, the rezoning was successfully adopted as RM3– Low Density Multiple Housing.

The property was later sold and the new owner applied to add the ‘r’ – Rental Only subzone in January of 2021. The proposed building was quite aggressive in nature and Councils’ decision was to defeat the application once again.

With the adoption of Zoning Bylaw No.12375 in September of 2022 the property was transitioned to the MF2 – Townhouse Housing zone from RM3 in Zoning Bylaw No. 8000. Staff have continued to work with the applicant’s design team to revise the proposal to meet the development regulations of the MF1 – Infill Housing zone without requiring variances. The proposal provides a modest increase in density while respecting the existing building scale of the neighbourhood.

**5.0 Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

<b>Objective 5.3 Design residential infill to be sensitive to neighbourhood context.</b>	
Policy 5.3.1 Ground Oriented Infill	Encourage gentle densification in the form of ground-oriented residential uses such as house-plexes, townhouses and narrow lot housing to approximately 2 storeys, maintaining residential uses and setbacks that reflect the existing development pattern. Consider opportunities for greater height and massing at block ends and along Active Transportation Corridors as outlined in Figure 5.3. <i>The proposed rezoning would allow for sensitive infill in an existing single detached dwelling neighbourhood.</i>
Policy 5.3.6 Small Lot Development	To encourage residential infill development in Core Area Neighbourhoods and transition areas that reflect the existing neighbourhood context, discourage large lot consolidation except where properties front or directly abut a Transit Supportive Corridor. <i>The proposed development scale aligns with the context of the existing neighbourhood.</i>
<b>Objective 5.11 Increase the diversity of housing forms and tenure to create an inclusive, affordable and complete Core Area.</b>	
Policy 5.11.1 Diverse Housing Forms	Ensure a diverse mix of low and medium density housing forms in the Core Area that support a variety of households, income levels and life stages. <i>The application proposes to add housing options in the Core Area.</i>

**6.0 Application Chronology**

Application Accepted: June 20, 2023  
 Neighbourhood Notification Summary Received: October 18, 2023

**Report prepared by:** Breanna Sartori, Planner I  
**Report prepared by:** Lydia Korolchuk, Planner Specialist  
**Reviewed by:** Jocelyn Black, Urban Planning Manager

**Attachments:**

Attachment A: Development Engineering Memo

For additional information, please visit our Current Developments online at [www.kelowna.ca/currentdevelopments](http://www.kelowna.ca/currentdevelopments).

CITY OF KELOWNA  
MEMORANDUM

**ATTACHMENT** A

This forms part of application  
# Z23-0041

Planner Initials **LK**



City of Kelowna  
DEVELOPMENT PLANNING

**Date:** July 20, 2023  
**File No.:** Z23-0041  
**To:** Urban Planning Manager (LK)  
**From:** Development Engineering Manager (NC)  
**Subject:** 615 Francis Ave. MF2 to MF1

The Development Engineering Department has the following comments associated with this Rezoning Application to rezone the subject property from MF2 to Townhouse Housing zone to MF1 – Infill housing zone.

The Development Engineering Technician for this file is Aaron Sangster (asangster@kelowna.ca).

**1. GENERAL**

- a. The following comments and requirements are valid for a period of one (1) year from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to modify some or all items in this memo if an application for Building Permit is not made within this time.
- b. This proposed development may require the installation or modification of centralized mail delivery equipment. Please contact Arif Bhatia, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC, V1Y 2K0, (250) 859-0198, arif.bhatia@canadapost.ca to obtain further information and determine requirements.
- c. All City Trees must be protected as per Bylaw 8042 Schedule C – Tree Barrier and Installation Policy requirements. Removal of City Trees will require prior approval of the City’s Urban Forestry Supervisor and may be subject to replacement, at a minimum two for one ratio, and compensation payment as per the City of Kelowna Equitable Compensation as defined in Section 8.2 of Bylaw 8042.
- d. There is a possibility of a high groundwater table or surcharging of storm drains during major storm events. Non-basement buildings may be required. This should be considered in the design of the onsite system, lot grading, and minimum basement elevations.
- e. The subject lot is within the Mill Creek Flood Plain. The subject lot’s flood construction level is 345 m. The geotechnical report to be submitted for this development is to address this flood construction level in the context of the Mill Creek Flood Plain Bylaw No. 10428.

**2. DEVELOPMENT PERMIT COMMENTS AND SITE-SPECIFIC REQUIREMENTS**

- a. All vehicle access to the subject property must be from the lane.
- b. The proposed access configuration appears consistent with this requirement.



**3. DOMESTIC WATER AND FIRE PROTECTION**

- a. The subject property is located within the City of Kelowna Water Supply Area. Our records indicate that this property is currently serviced with a 19 mm diameter water service off Francis Ave. Only one service connection will be permitted per lot.
- b. The Developer's Licensed Residential Builder or Plumbing Contractor will determine the domestic water requirements of this development. If the existing service is determined to be too small and needs to be upgraded, the Developer, at their cost, must arrange for the installation of one new larger water service and the full decommissioning of any obsolete services at the main.
- c. In this case, the Developer, can choose to either engage a Consulting Engineer and a qualified Contractor to design and construct the service upgrades or they can choose to have the works completed by City forces at the Developer's expense. If the Developer chooses to have the works completed by City forces, they will be required to sign a Third-Party Work Order and pre-pay for the cost of the work. For estimate inquiries please contact the Development Engineering Technician assigned to the file.
- d. 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 Bylaw 5968-87.
- e. A Fire Hydrant is required on the west property line frontage as there is insufficient coverage for this rezoned property. If the Developer chooses to have the works completed by City forces, they will be required to sign a Third-Party Work Order and pre-pay for the cost of the work. For estimate inquiries please contact the Development Engineering Technician assigned to the file.

**4. SANITARY SEWER SYSTEM**

- a. Our records indicate that this property is currently serviced with a 100 mm diameter sanitary service off the lane. Only one service connection will be permitted per lot.
- b. The Developer's Licensed Residential Builder or Plumbing Contractor will determine the sanitary sewer servicing requirements of this development. If upgrades are determined to be necessary to achieve adequate servicing, the Developer must complete any such upgrades at their cost. New service connections are to be completed as per SS-S7 with an inspection chamber and Brooks Box. Any obsolete services must be fully decommissioned at the main.
- c. In this case, the Developer, can choose to either engage a Consulting Engineer and a qualified Contractor to design and construct the service upgrades or they can choose to have the works completed by City forces at the Developer's expense. If the Developer chooses to have the works completed by City forces, they will be required to sign a Third-Party Work Order and pre-pay for the cost of the work. For estimate inquiries please contact the Development Engineering Technician assigned to the file.

**5. STORM DRAINAGE**

- a. The subject property is located within the City of Kelowna drainage service area. The City Engineer may permit use of individual ground water disposal systems, where soils are

suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.

- b. The Developer must engage a Consulting Engineer to provide a combined Lot Grading Plan, Stormwater Management Plan, and Erosion and Sediment Control Plan to meet the requirements of Bylaw 7900. Indicate on the plan the building elevations, finished grade slopes and elevations throughout the site, perimeter grades to match existing grades, overland flow routes, onsite stormwater retention if required, and erosion and sediment control measures.

## 6. **ROADWAY AND STREETScape**

- a. A Cash payment was already submitted for the frontage improvements via. Z18-0058.

## 7. **POWER AND TELECOMMUNICATION SERVICES**

- a. All proposed service connections are to be installed underground. 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. Utility companies are required to obtain the City's approval before commencing construction.
- b. Provide all necessary Statutory Rights-of-Ways for any utility corridors as may be required.

## 8. **GEOTECHNICAL STUDY**

- a. Provide a Geotechnical Report prepared by a Professional Engineer competent in the field of geotechnical or hydrogeological engineering as applicable. The Geotechnical Report must be submitted to the Development Services Department as part of the Building Permit submission and prior to the City's review of Engineering drawings. Geotechnical Report to address, at a minimum, any of the applicable items below:
  - i. Site suitability for development;
  - ii. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property, as well as any monitoring required;
  - iii. Site soil characteristics (i.e., fill areas, unsuitable soils such as organic material, etc);
  - iv. Any special requirements for construction of roads, utilities, and building structures;
  - v. Recommendations for items that should be included in a Restrictive Covenant;
  - vi. Recommendations for erosion and sedimentation controls for water and wind;
  - vii. Any items required in other sections of this memo;
  - viii. Recommendations for roof drains, perimeter drains, and septic tank effluent on the site;

**9. OTHER ENGINEERING COMMENTS**

- a. Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City lands.
- b. If any road dedication affects lands encumbered by a Utility right-of-way, 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.
- c. Provide right-of-ways so that lands beyond can be serviced with future servicing and roadways. Exact location of these right-of-ways will be determined in consultation with the owners of the lands beyond.
- d. To prevent private/public encroachment, the applicant will be required to delineate all private property lines adjacent to the open space parcel with a minimum 1.2m high black vinyl chain link fence (or approved equivalent) located 150mm within the private property. On residential lots with registered no-disturb covenants immediately adjacent to the Natural Area Park, the fence shall be located 150mm before the start of the covenant.

A Sangster on behalf of  
Nelson Chapman, P.Eng.  
Development Engineering Manager

AS

**CITY OF KELOWNA**

**BYLAW NO. 12601**

**Z23-0041**

**615 Francis Avenue**

---

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of Lot 15 District Lot 14 ODYD Plan 1141 located on Francis Avenue Kelowna, BC from the MF2 – Townhouse Housing zone to the MF1 – Infill 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, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk





City of  
**Kelowna**

# Z23-0041 615 Francis Ave

Rezoning Application

# Purpose

- ▶ To rezone the subject property from the MF<sub>2</sub> – Townhouse Housing zone to the MF<sub>1</sub> – Infill Housing zone to facilitate a fourplex development.

# Development Process



Jun 20, 2023

Development Application Submitted



Staff Review & Circulation



Oct 18, 2023

Public Notification Received



Nov 27, 2023

Initial Consideration



Reading Consideration



Final Reading



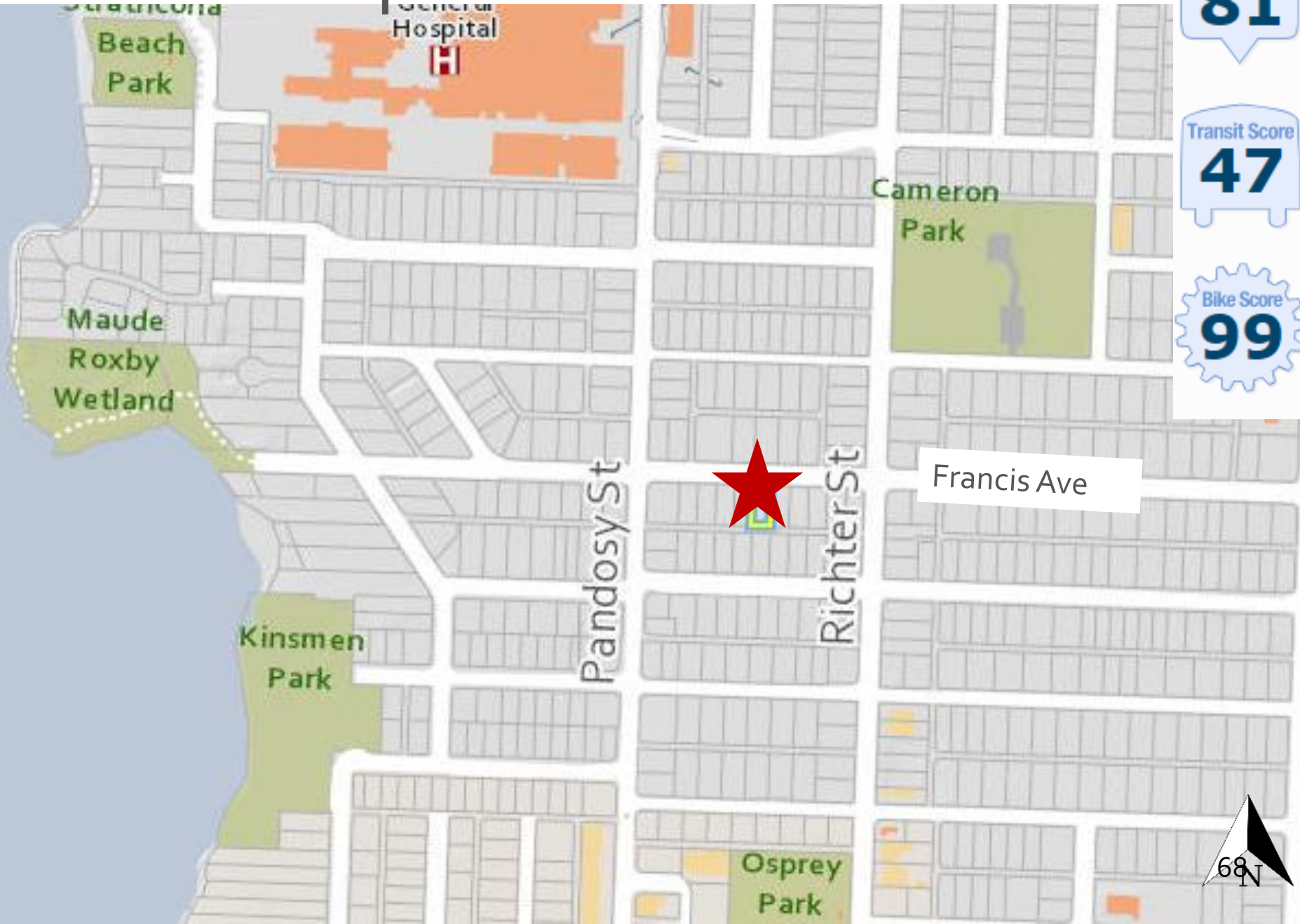
Building Permit



Council Approvals



# Context Map



Walk Score  
**81**

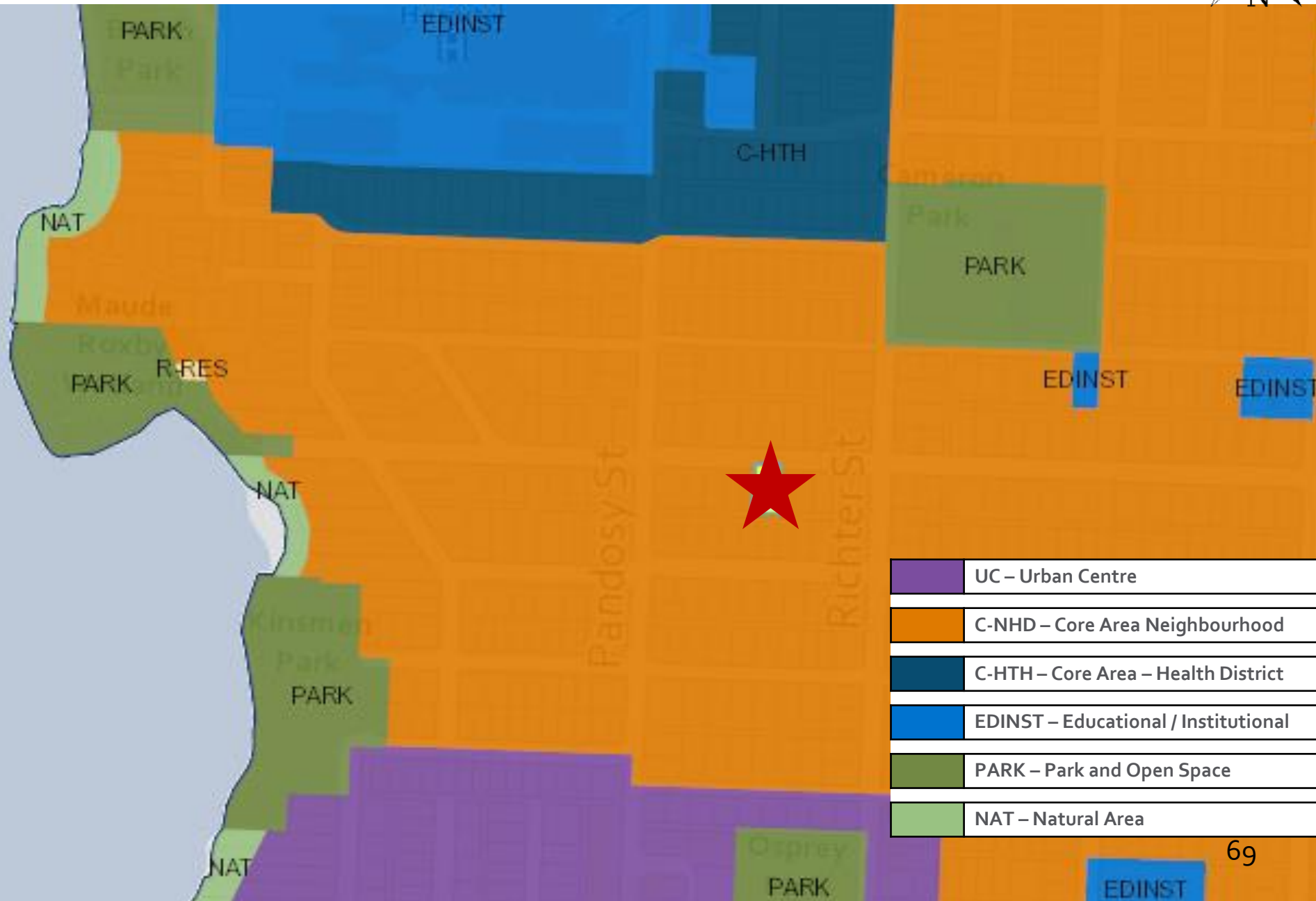
Transit Score  
**47**







Bike Score  
**99**





# OCP Future Land Use



	UC – Urban Centre
	C-NHD – Core Area Neighbourhood
	C-HTH – Core Area – Health District
	EDINST – Educational / Institutional
	PARK – Park and Open Space
	NAT – Natural Area

# Subject Property Map



# Project Details

- ▶ C-NHD – Core Area Neighbourhood
- ▶ MF<sub>1</sub> – Infill Housing
  - ▶ Delegated Development Permit for 4 units
  - ▶ Vehicle access from the lane
  - ▶ Meets the Development Regulation (no variances)

# OCP Objectives & Policies

- ▶ Policy 5.3.1 Ground Oriented Infill
  - ▶ Encourage ground oriented residential uses
- ▶ Policy 5.3.6 Small Lot Development
  - ▶ Encourage residential infill development that reflects the existing neighbourhood context
- ▶ Policy 5.11.1 Diverse Housing Forms
  - ▶ Encourage a diverse mix of low and medium density housing forms in the Core Area



# Staff Recommendation

- ▶ Staff recommend **support** for the proposed rezoning as it is consistent with:
  - ▶ OCP Future Land Use C-NHD
  - ▶ OCP Objectives in Chapter 5 Core Area
    - ▶ Transit Supported Corridor Policies
    - ▶ Housing Diversity
  - ▶ Development Permit (Delegated to Staff)

# REPORT TO COUNCIL REZONING



**Date:** November 27, 2023  
**To:** Council  
**From:** City Manager  
**Address:** 569 Radant Rd  
**File No.:** Z22-0072

	Existing	Proposed
<b>OCP Future Land Use:</b>	C-NHD – Core Area Neighbourhood NAT – Natural Areas	C-NHD – Core Area Neighbourhood NAT – Natural Areas
<b>Zone:</b>	RU1 – Large Lot Housing	MF1 – Infill Housing P3 – Parks and Open Space

### 1.0 Recommendation

THAT Rezoning Application No. Z22-0072 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of portions of Lot 2 Section 1 Township 25 ODYD Plan 6491, located at 569 Radant Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the MF1 – Infill Housing zone and the P3 – Parks and Open Space zone as shown on Map “A” attached to the Report from the Development Planning Department dated November 27, 2023;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment “A” attached to the Report from the Development Planning Department dated November 27, 2023;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the registration of a road reserve covenant for a future 5.0 m linear corridor outside of the Riparian Management Area.

### 2.0 Purpose

To rezone portions of the subject property from the RU1 – Large Lot Housing zone to the MF1 – Infill Housing zone and the P3 – Parks and Open Space zone to facilitate the development of infill housing.

### 3.0 Development Planning

Staff support the proposed rezoning to the MF1 – Infill Housing zone and P3 – Parks and Open Space zone. The MF1 zone aligns with the Official Community Plan (OCP) Future Land Use Designation of C-NHD – Core Area Neighbourhood. The Core Area Neighbourhood Designation is intended to accommodate a range of sensitive infill uses, such as ground-oriented multi-unit residential. OCP Policy speaks specifically to encouraging gentle densification in the form of ground-oriented residential uses such as house-plexes and townhouses up to approximately 2 storeys.

The proposal also aligns with the Future Land Use Designation of NAT – Natural Areas for the portion of the property along Mission Creek. The Natural Areas designation consists of lands that are intended to remain largely in their natural state and to provide access for low impact activities such as hiking. These lands will be zoned P3 – Parks and Open Space. The Riparian Management Area will be protected with a no-disturb covenant prior to development of the site.

The OCP identifies a future linear corridor along the south bank of Mission Creek. As a condition of final adoption of the Rezoning, the applicant will be required to register a road reserve covenant to protect a 5.0 m wide linear corridor for a future trail, which would be triggered when linear corridors are secured on adjacent parcels.

Lot Area	Proposed (m <sup>2</sup> )
Gross Site Area	1781 m <sup>2</sup>
Road Dedication	198 m <sup>2</sup>
Undevelopable Area	380 m <sup>2</sup>
Net Site Area	1203 m <sup>2</sup>

**4.0 Site Context & Background**

Orientation	Zoning	Land Use
North	VC1 – Village Centre	Apartment Housing
East	RU4 – Duplex Housing	Single Detached Dwelling
South	RU1 – Large Lot Housing	Single Detached Dwelling
West	RU1 – Large Lot Housing	Single Detached Dwelling

**Subject Property Map: 569 Radant Rd**



The subject property is located on the north side of Radant Road, between Lakeshore Road and Okanagan Lake. Mission Creek runs along the north property boundary. Transit stops are located on Lakeshore Road

within 250 m of the property. The Cook Truswell Village Centre is located immediately north across Mission Creek and the Lakeshore Village Centre is located along Lakeshore Road immediately to the east.

**5.0 Current Development Policies**

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

<b>Objective 5.3 Design residential infill to be sensitive to neighbourhood context.</b>	
Policy 5.3.1 Ground Oriented Infill	Encourage gentle densification in the form of ground-oriented residential uses such as house-plexes, townhouses, and narrow lot housing to approximately 2 storeys, maintaining residential uses and setbacks that reflect the existing development pattern. Consider opportunities for greater height and massing at block ends and along Active Transportation Corridors.
	<i>The MF1 – Infill Housing zone allows ground-oriented residential uses such as house-plexes and townhouses, up to 2 storeys in height.</i>

<b>Objective 10.2 Ensure parks and public spaces are connected to each other and accessible for all citizens.</b>	
Policy 10.2.6 Dedication of Linear Parks	At subdivision and rezoning for all development types, secure a minimum 10-metre wide linear corridor for public access as included on Map 10.1. The 10-metre wide corridor may be in addition to, and outside, any riparian management area requirements of the OCP. On the private property side of the public access corridor, the City may, as necessary, consider stipulating additional “no disturb” zones. Lot line adjustments or other subdivision applications not resulting in the creation of new lots suitable for the construction of buildings permitted under the applicable zoning will be considered exempt from this policy. Linear trail corridors can have the following tenure which will be determined by staff at the time of subdivision or rezoning: <ul style="list-style-type: none"> <li>• Titled property in the name of the City as a park, protected area, or</li> <li>• Statutory right of way.</li> </ul>
	<i>A condition of the adoption of the proposed rezoning is a road reserve to secure a linear corridor adjacent to Mission Creek.</i>

<b>Objective 14.5 Protect and restore environmentally sensitive areas from development impacts.</b>	
Policy 14.5.1 Development Design in Environmentally Sensitive Areas	Design new development to prioritize protection of environmentally sensitive areas. Design the development to not disturb natural ecosystems, preserve environmentally sensitive features, adapt to natural topography and to avoid overall environmental impact.
	<i>The proposed development area is setback from Mission Creek to not disturb the Riparian Management Area.</i>

**6.0 Application Chronology**

Application Accepted: November 8, 2022  
 Neighbourhood Notification Summary Received: November 21, 2022



**Report prepared by:** Mark Tanner, Planner II  
**Reviewed by:** Lydia Korolchuk, Acting Planning Supervisor  
**Reviewed by:** Dean Strachan, Community Planning & Development Manager  
**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

**Attachments:**

Attachment A: Development Engineering Memo

Map A: Zoning Amendment

For additional information, please visit our Current Developments online at [www.kelowna.ca/currentdevelopments](http://www.kelowna.ca/currentdevelopments).

**CITY OF KELOWNA**  
**MEMORANDUM**

<b>ATTACHMENT A</b>	
This forms part of application # Z22-0072	
Planner Initials	MT
 <b>City of Kelowna</b> <small>COMMUNITY PLANNING</small>	

**Date:** December 20, 2022  
**File No.:** Z22-0072  
**To:** Urban Planning Manager (LK)  
**From:** Development Engineering Manager (NC)  
**Subject:** 569 Radant Rd Rezoning RU1 → MF1

The Development Engineering Branch has the following comments for this rezoning application for the 549 Radant Rd project. The Development Engineering Technician for this project is Chris Pedersen (cpedersen@kelowna.ca). The following Works and Services will be a requirement of this development.

**1. GENERAL**

- a. The following requirements are valid for two (2) years from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.
- b. This proposed development may require the installation of centralized mail delivery equipment. Please contact Arif Bhatia, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC, V1Y 2K0, (250) 859-0198, arif.bhatia@canadapost.ca to obtain further information and to determine suitable location(s) within the development.
- c. The following requirements assume that this rezoning application will proceed independently of Subdivision application S21-0056 and that the subdivision application will be withdrawn.
- d. The proposed development is subject to flood exposure from both Okanagan Lake and Mission Creek. Non-basement buildings and/or restrictive covenants may be required. This should be considered in the design of the onsite system, lot grading, and minimum basement elevations. The Applicant's Consulting Engineer shall review all applicable City policies and best engineering practices to reduce flood exposure at this site. The City recommends a minimum building elevation of 344.35m CGVD28. Please contact the Development Engineering Technician for more information.

**2. DOMESTIC WATER AND FIRE PROTECTION**

- a. The subject lot is located within the City of Kelowna water supply area.
- b. Our records indicate that this property is currently serviced with a 19-mm diameter water service off Radant Road. The Applicant, at their cost, will arrange for the removal of the existing services and the installation of one new larger metered water service per legal lot.

- c. The Applicant's Consulting Engineer will determine the domestic water and fire protection requirements of this proposed development and establish hydrant requirements and service needs. The bylaw requirement for townhouse residential is 150 L/s. If it is determined that upgrades to any existing water distribution system must be made to achieve the required fire flows, the applicant must upgrade the existing system at their cost. The City estimates that 150L/s fire flow is not available from the 100mm diameter watermain fronting the subject property and this watermain will need to be upgraded to 200mm between Lakeshore Road and the hydrant.
- d. An approved backflow protection device must also be installed on site as required by the City Plumbing Regulation and Water Regulation bylaws.
- e. 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 their cost.

### 3. **SANITARY SEWER SYSTEM**

- a. The subject property is located within the City of Kelowna sewer service area.
- b. Our records indicate that this property is currently serviced with a 100-mm diameter sanitary sewer service off Radant Road.
- c. The Applicant's Consulting Mechanical Engineer will determine the requirements of the proposed development and establish the service needs. If required, the applicant will arrange for the removal and disconnection of the existing service and the installation of one new larger service at the applicants cost complete with an inspection manhole and access easement for City crews if required.
- d. The Applicant, at their cost, can choose to either engage an engineer and a contractor to design and construct the sanitary services or can choose to have the services installed by City forces at the Applicant's expense. If the Applicant chooses to have the services installed by City forces, they will be required to sign a Third-Party Work Order and pre-pay for the cost of the sanitary services.

### 4. **STORM DRAINAGE**

- a. The proposed development is subject to flood exposure from both Okanagan Lake and Mission Creek. Non-basement buildings and/or restrictive covenants may be required. This should be considered in the design of the onsite system, lot grading, and minimum basement elevations. The Applicant's Consulting Engineer shall review all applicable City policies and best engineering practices to reduce flood exposure at this site. The City recommends a minimum building elevation of 344.35m CGVD28. Please contact the Development Engineering Technician for more information.

- b. The subject property is located within the City of Kelowna drainage service area. The City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- c. The developer must engage a consultant to provide a combined Lot Grading Plan, Stormwater Management Plan, and Erosion and Sediment Control Plan to meet the requirements of Bylaw 7900. Indicate on the plan the building elevations, finished grade slopes and elevations throughout the site, perimeter grades to match existing grades, overland flow routes, onsite stormwater retention if required, and erosion and sediment control measures.
- d. On-site detention systems are to be compliant with Bylaw 7900, Schedule 4, Section 3.11.1 *Detention Storage*. If rock pits are recommended as stormwater storage by the geotechnical engineer, the rock pit sizing must be indicated.
- e. As per Bylaw 7900, Schedule 4, Section 3.1.3 Climate Change, the capacity of storm works will include an additional 15 percent (15%) upward adjustment, and applied to the rainfall intensity curve stage (IDF) in Section 3.7.2.
- f. Where structures are designed or constructed below the proven high groundwater table, permanent groundwater pumping will not be permitted to discharge to the storm system. The City will approve designs that include provisions for eliminating groundwater penetration into the structure, while addressing buoyancy concerns. These design aspects must be reviewed and approved by the City Engineer.

**5. ROAD IMPROVEMENTS**

- a. Radant Rd must be upgraded to an urban standard along the full frontage of the subject property. Required upgrades must include curb and gutter, sidewalk, storm drainage system, LED street lighting, landscaped and irrigated boulevard, pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. 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 **\$55,153.76**, not including utility servicing cost.

**6. POWER AND TELECOMMUNICATION SERVICES**

- a. All proposed distribution and service connections are to be installed underground. 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. The utility companies are required to obtain the City's approval before commencing construction.
- b. Re-locate existing poles and utilities, where necessary including within lanes. Remove aerial trespass(es).
- c. Before making application for approval of your subdivision plan, please make arrangements with Fortis BC for the pre-payment of applicable charges.



## 7. GEOTECHNICAL STUDY

- a. 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.**
- b. The Geotechnical reports must be submitted to the Development Services Department (Subdivision Approving officer) for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.
  - i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
  - ii. Site suitability for development.
  - iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
  - iv. Any special requirements for construction of roads, utilities and building structures.
  - v. Slope stability, rock fall hazard and slippage including the effects of drainage on the site.
  - vi. Top of bank assessment and location including recommendations for property line locations, building setbacks, and ground water disposal locations.
  - vii. Recommendations for items that should be included in a Restrictive Covenant.
  - viii. Any special requirements that the proposed development should undertake so that it will not impact the banks(s). The report must consider erosion and structural requirements.
  - ix. Recommendations for erosion and sedimentation controls for water and wind.
  - x. Any items required in other sections of this document.
  - xi. Recommendations for roof drains and perimeter drains on the site.

## 8. ROAD DEDICATION/SUBDIVISION REQUIREMENTS

- a. Between 2.0m and 4.5m dedication along the entire frontage of Radant Road is required to achieve a ROW width of 18.0m.

## 9. DEVELOPMENT PERMIT AND SITE-RELATED ISSUES

- a. Only one driveway will be permitted per legal lot with a maximum width of 6.0m.
- b. Indicate, on the site, the locations of the garbage and recycle bins. Provide vehicle turning movements to confirm waste collection activities can be completed without requiring a reverse movement from the site onto Radant Road.

**10. OTHER ENGINEERING COMMENTS**

- a. Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City lands.
- b. If any road dedication affects lands encumbered by a Utility right-of-way, 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.

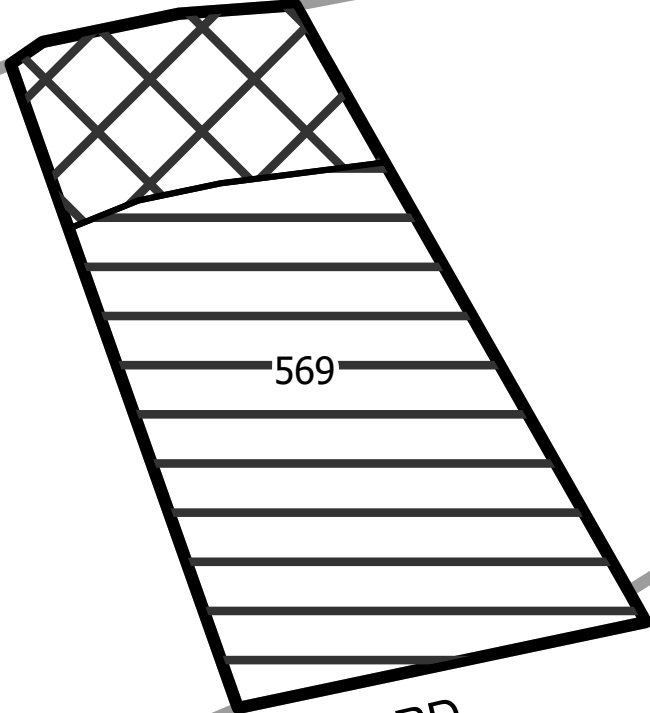
**11. DESIGN AND CONSTRUCTION**

- a. Designs 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.
- b. 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.
- c. 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).
- d. A "Consulting Engineering Confirmation Letter" (City document "C") must be completed prior to submission of any designs.
- e. Before any construction related to the requirements of this application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Services department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that right-of-ways are required for current or future needs.

**12. SERVICING AGREEMENTS FOR WORKS AND SERVICES**

- a. 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.
- b. 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.




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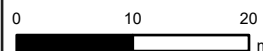
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RADANT RD

# MAP "A" ZONING AMENDMENT Z22-0072

-  RU1 - Large Lot Housing to P3 - Parks and Open Space
-  RU1 - Large Lot Housing to MF1 - Infill Housing
-  Subject Property

This map is for general information only.  
The City of Kelowna does not guarantee its  
accuracy. All information should be verified.



Rev. Thursday, November 9, 2023



**CITY OF KELOWNA**

**BYLAW NO. 12602**

**Z22-0072**

**569 Radant Road**

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of portions of Lot 2 Section 1 Township 25 ODYD Plan 6491 located on Radant Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the MF1 – Infill Housing zone and the P3 – Parks and Open Space zone as shown on Map "A" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

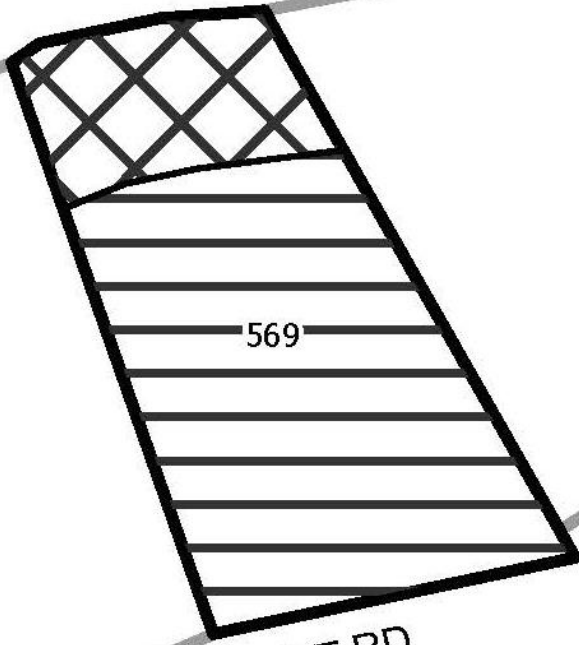
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Mayor




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City Clerk

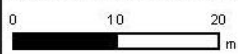




**MAP "A" ZONING AMENDMENT**  
**Z22-0072**

-  RU1 - Large Lot Housing to P3 - Parks and Open Space
-  RU1 - Large Lot Housing to MF1 - Infill Housing
-  Subject Property

This map is for general information only.  
The City of Kelowna does not guarantee its  
accuracy. All information should be verified.



Rev. Thursday, November 9, 2023





City of  
**Kelowna**

# Z22-0072 569 Radant Rd

Rezoning Application

# Purpose

- ▶ To rezone the subject property from the RU<sub>1</sub> – Large Lot Housing zone to the MF<sub>1</sub> – Infill Housing zone and P<sub>3</sub> – Parks and Open Space zone to facilitate the development of infill housing.

# Development Process



Nov 8, 2022

Development Application Submitted



Staff Review & Circulation



Nov 21, 2022

Public Notification Received



Nov 27, 2023

Initial Consideration



Reading Consideration



Final Reading



Building Permit



Council Approvals

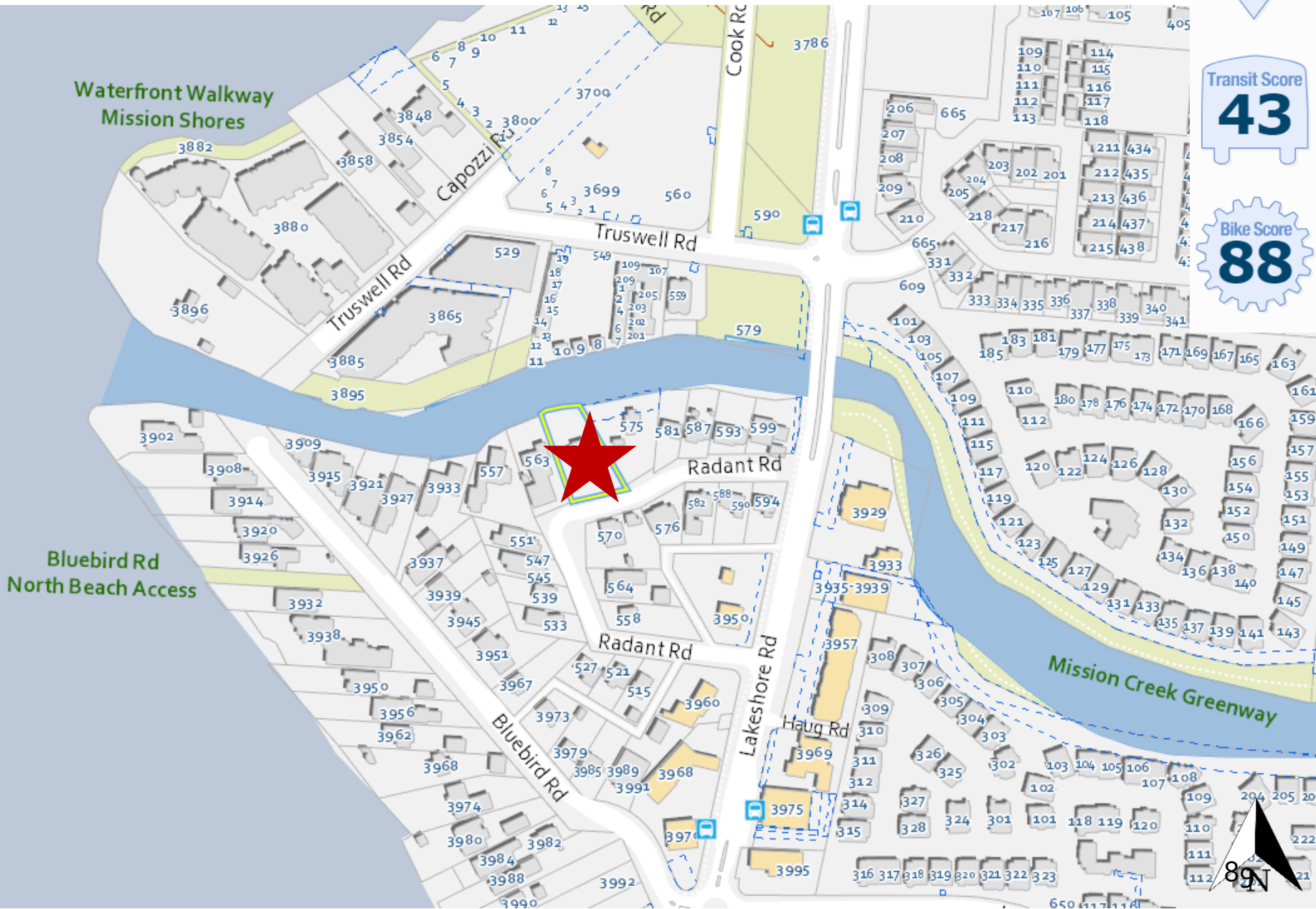


# Context Map

Walk Score  
**55**

Transit Score  
**43**

Bike Score  
**88**



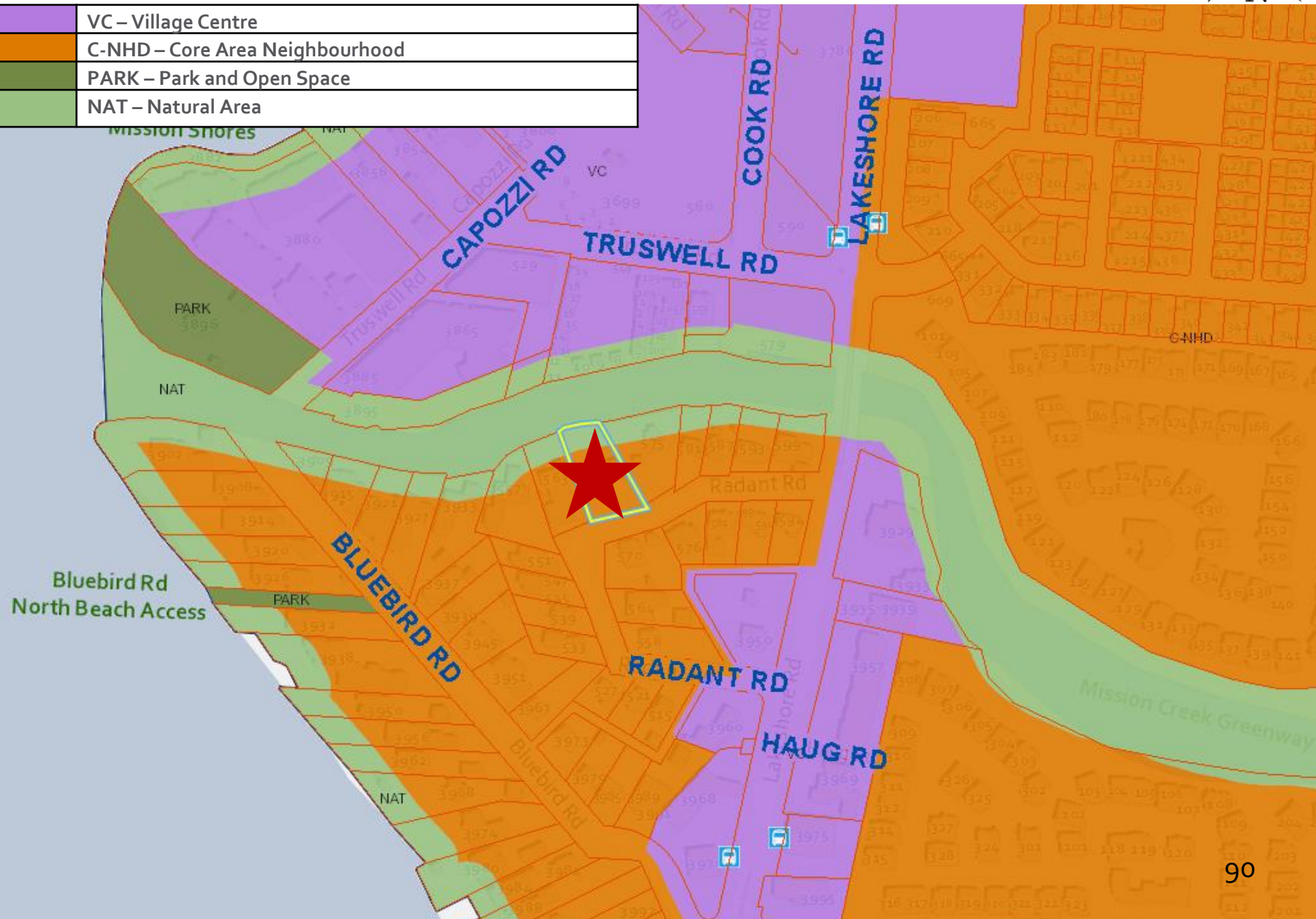
89°N



# OCP Future Land Use



	VC – Village Centre
	C-NHD – Core Area Neighbourhood
	PARK – Park and Open Space
	NAT – Natural Area





# Subject Property Map



# Project Details

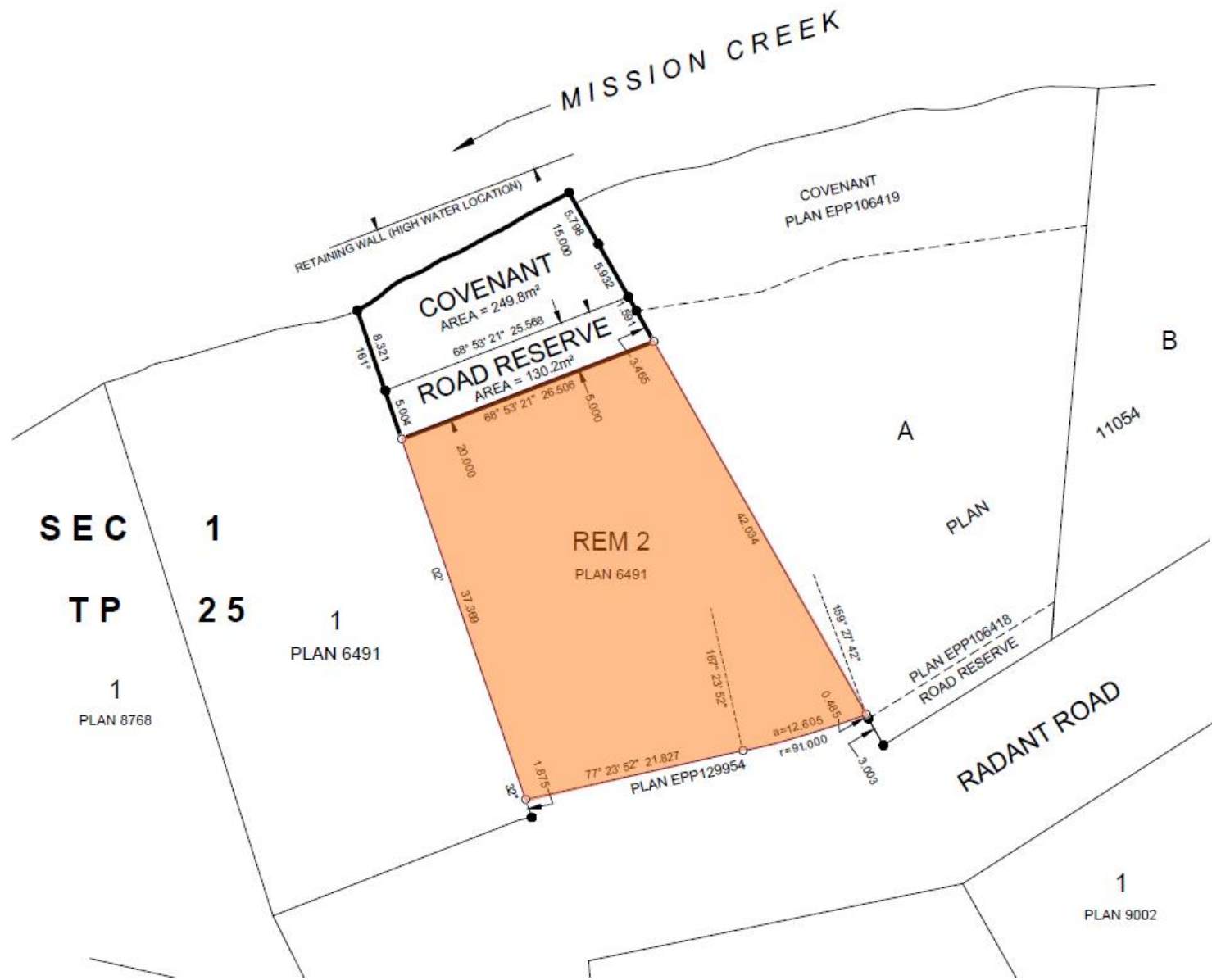
- ▶ MF<sub>1</sub> – Infill Housing zone
  - ▶ Allows ground-oriented multi-unit infill development
  - ▶ 2 storey maximum height
- ▶ Natural Area
  - ▶ Mission Creek Riparian Management Area
  - ▶ 5 m linear corridor for future trail along Mission Creek



# Overview



S.



# OCP Objectives & Policies

- ▶ Policy 5.3.1 Ground Oriented Infill
  - ▶ Encourage gentle densification in the form of ground-oriented residential uses such as houseplexes and townhouses in Core Area Neighbourhoods
- ▶ Policy 10.2.6 Dedication of Linear Parks
  - ▶ Secure linear corridors for public access in accordance with OCP
- ▶ Policy 14.5.1 Development Design in Environmentally Sensitive Areas
  - ▶ Design new development to protect environmentally sensitive areas.



# Staff Recommendation

- ▶ Staff recommend **support** for the proposed rezoning as it is consistent with:
  - ▶ OCP Future Land Use C-NHD
  - ▶ OCP Policies
    - ▶ Ground Oriented Infill
    - ▶ Dedication of Linear Parks
    - ▶ Development Design in Environmentally Sensitive Areas

# REPORT TO COUNCIL REZONING



**Date:** November 27, 2023  
**To:** Council  
**From:** City Manager  
**Address:** 4456 Lakeshore Rd  
**File No.:** Z23-0066

	Existing	Proposed
<b>OCP Future Land Use:</b>	S-RES – Suburban - Residential	S-RES – Suburban - Residential
<b>Zone:</b>	RU1 – Large Lot Housing	RU1cc – Large Lot Housing with Child Care Centre, Major

## 1.0 Recommendation

THAT Rezoning Application No. Z23-0066 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 2 District Lot 167 ODYD Plan 36692, located at 4456 Lakeshore Rd, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1cc – Large Lot Housing with Child Care Centre, Major zone, be considered by Council.

## 2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the Ru1cc - Large Lot Housing with Child Care Centre, Major zone to facilitate a Child Care Centre.

## 3.0 Development Planning

Staff support the proposed rezoning application to RU1cc – Large Lot Housing with Child Care Centre, Major zone to facilitate a daycare within an existing single detached dwelling. The Child Care Centre, Major sub-zone allows a licensed establishment that provides care, educational services, and supervision for more than 8 children. The proposal meets the intent of the Official Community Plan (OCP) and the Future Land Use Designation of Suburban Residential, which speaks to facilitating childcare spaces throughout the Suburban Area.

The daycare has a proposed capacity of 25-32 children and will operate between the hours of 7:30am to 5:30pm. Parking has been provided onsite as well as a loading area for drop-off and pick-up of the children and a space to safely turn around on-site.

## 4.0 Site Context & Background

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Detached Housing
East	MF2 – Townhouse Housing	Townhouses
South	RU1 – Large Lot Housing	Single Detached Housing
West	RU1 – Large Lot Housing	Single Detached Housing

**Subject Property Map: 4456 Lakeshore Rd**



The surrounding area is primarily zoned RU1 – Large Lot Housing, MF2 – Townhouse Housing, and P2 – Education and Minor Institutional. This property is located in close proximity to Anne McClymont Elementary School and several transit stops along Lakeshore Rd.

**5.0 Current Development Policies**

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

<b>Objective 7.1 Create more complete communities in Suburban Neighbourhoods</b>	
Policy 7.1.8 Child Care Spaces	Support the development of small-scale child care spaces including accessible, affordable and inclusive spaces that meet the needs of residents living in Suburban Neighbourhoods.
	<i>The proposed rezoning will facilitate the development of a child care facility for the neighbourhood.</i>

**6.0 Application Chronology**

Application Accepted: October 5, 2023  
 Neighbourhood Notification Summary Received: October 22, 2023

**Report prepared by:** Jason Issler, Planner I  
**Reviewed by:** Lydia Korolchuk, Acting Planning Supervisor  
**Reviewed by:** Jocelyn Black, Urban Planning Manager  
**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

For additional information, please visit our Current Developments online at [www.kelowna.ca/currentdevelopments](http://www.kelowna.ca/currentdevelopments).

**CITY OF KELOWNA**  
**BYLAW NO. 12605**  
**Z23-0066**  
**4456 Lakeshore Road**

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of Lot 2 District Lot 167 ODYD Plan 36692 located on Lakeshore Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1cc – Large Lot Housing with Child Care Centre, Major 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, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

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City Clerk





City of  
**Kelowna**

# Z23-0066 4456 Lakeshore Rd

Rezoning Application

# Purpose

- ▶ To rezone the subject property from the RU1 – Large Lot Housing zone to the Ru1cc - Large Lot Housing with Child Care Centre, Major zone to facilitate a Child Care Centre.

# Development Process



Oct 5, 2023

Development Application Submitted



Staff Review & Circulation



Oct 22, 2023

Public Notification Received



Nov 27, 2023

Initial Consideration



Reading Consideration



Final Reading



Council Approvals

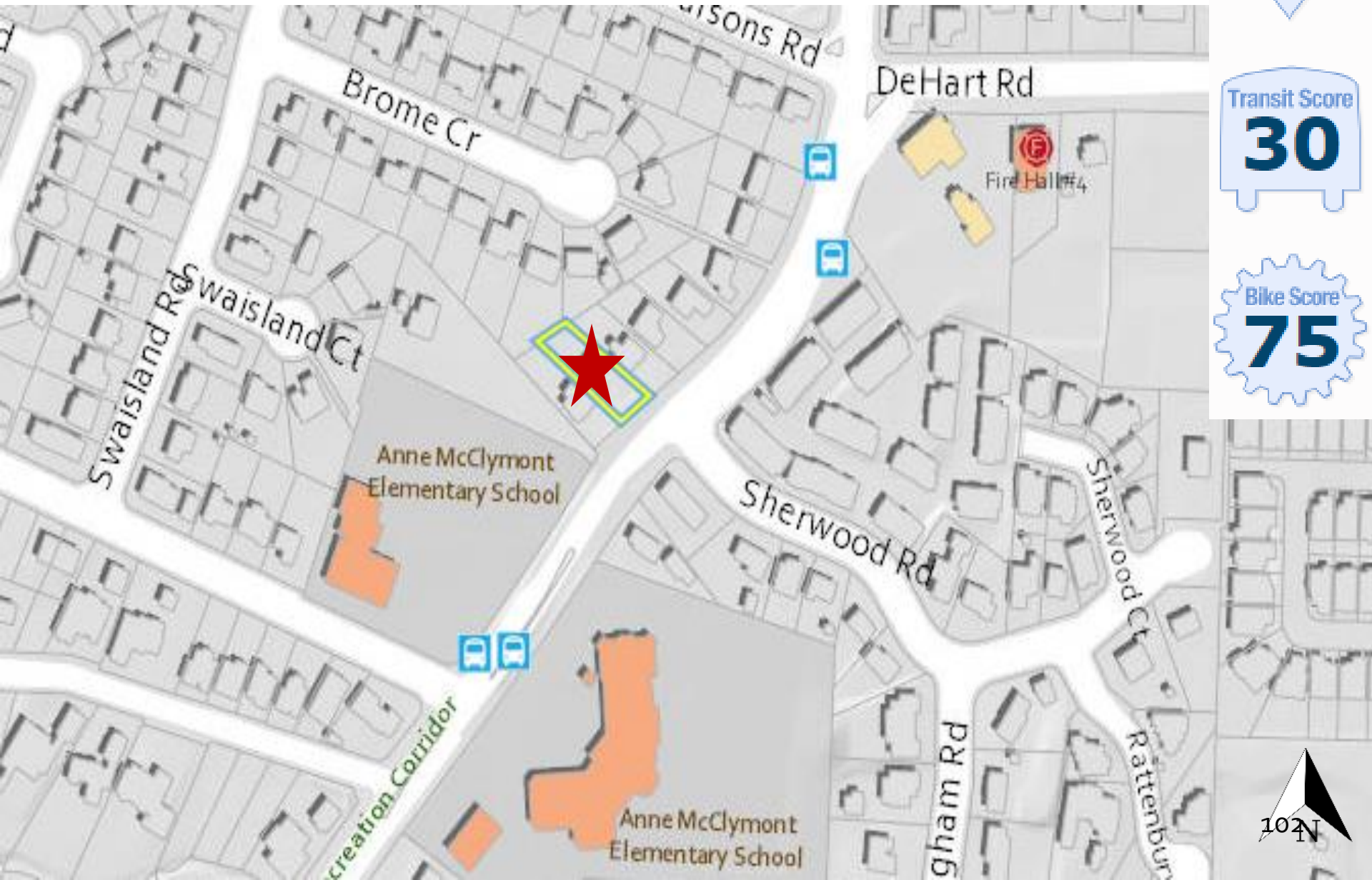


# Context Map

Walk Score  
**67**

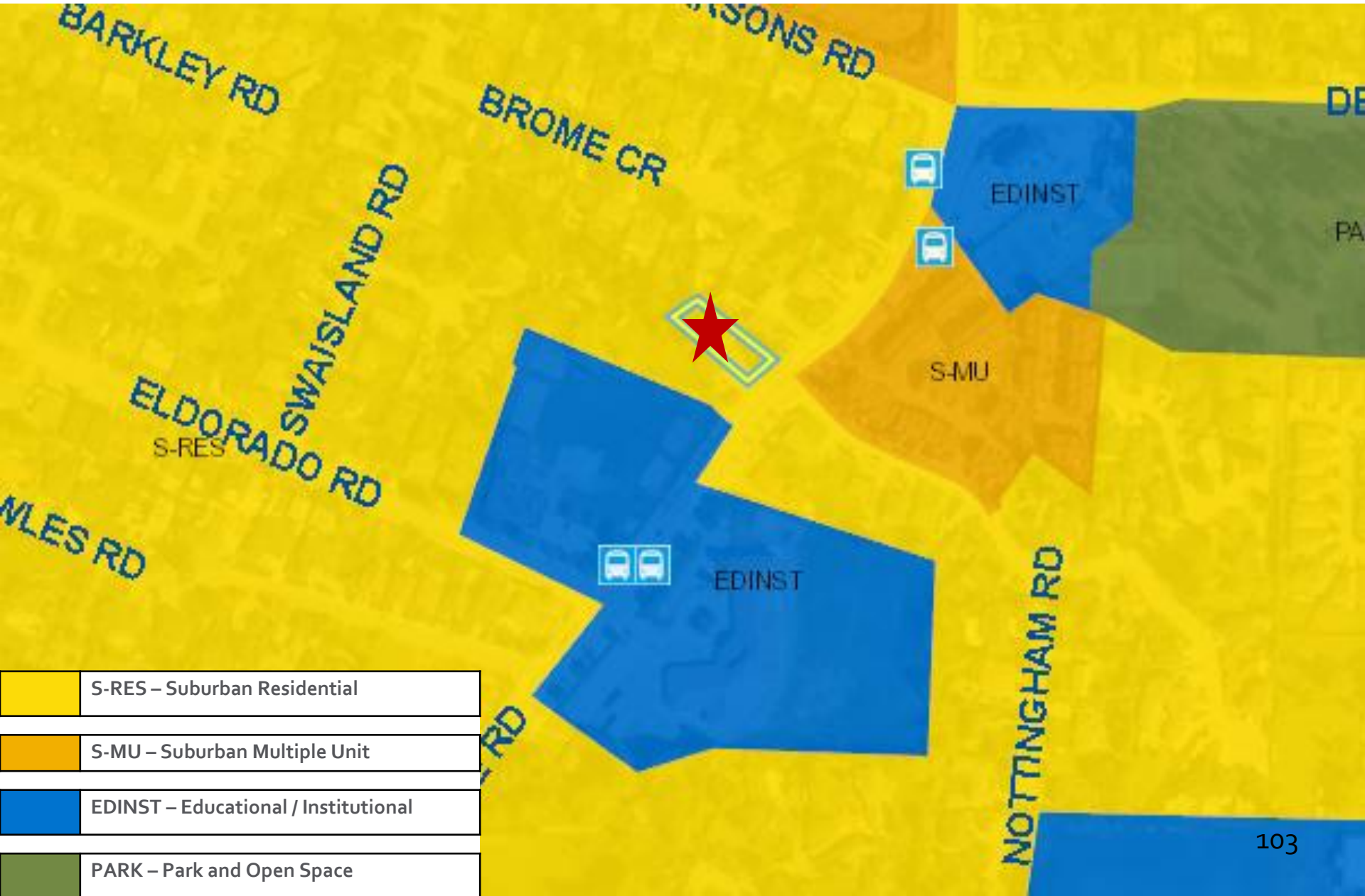
Transit Score  
**30**





Bike Score  
**75**





# OCP Future Land Use



	S-RES – Suburban Residential
	S-MU – Suburban Multiple Unit
	EDINST – Educational / Institutional
	PARK – Park and Open Space

# Subject Property Map



# Project Details

- ▶ Proposal to facilitate a daycare within an existing single detached dwelling.
- ▶ The establishment is licenced under the *Community Care and Assisted Living Act*.
- ▶ Capacity of 25-32 Children.
- ▶ Hours of 7:30am to 5:30pm.

# OCP Objectives & Policies

- ▶ Policy 7.1.8: Support the development of childcare spaces in suburban neighbourhoods.
  - ▶ The rezoning will facilitate the development of a childcare facility.



# Staff Recommendation

- ▶ Staff recommend **support** for the proposed rezoning as it is consistent with:
  - ▶ OCP Future Land Use S-Res
  - ▶ OCP Objectives in Chapter 7 Suburban Neighbourhoods
    - ▶ Support childcare facilities.

# REPORT TO COUNCIL REZONING



**Date:** November 27, 2023  
**To:** Council  
**From:** City Manager  
**Address:** 3226 Appaloosa Rd  
**File No.:** Z23-0025

	Existing	Proposed
<b>OCP Future Land Use:</b>	IND - Industrial	IND - Industrial
<b>Zone:</b>	RR2 – Small Lot Rural Residential	I2 – General Industrial

## 1.0 Recommendation

THAT Rezoning Application No. Z23-0025 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 15, Section 2, Township 23, ODYD, Plan 18861, located at 3226 Appaloosa Road, Kelowna, BC from the RR2 - Small Lot Rural Residential zone to the I2 – General Industrial zone, be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment “A” attached to the Report from the Development Planning Department dated November 27, 2023;

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

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council’s consideration of a Development Permit and Development Variance Permit for the subject property.

## 2.0 Purpose

To rezone the subject property from the RR2 - Small Lot Rural Residential zone to the I2 – General Industrial zone to facilitate industrial development.

## 3.0 Development Planning

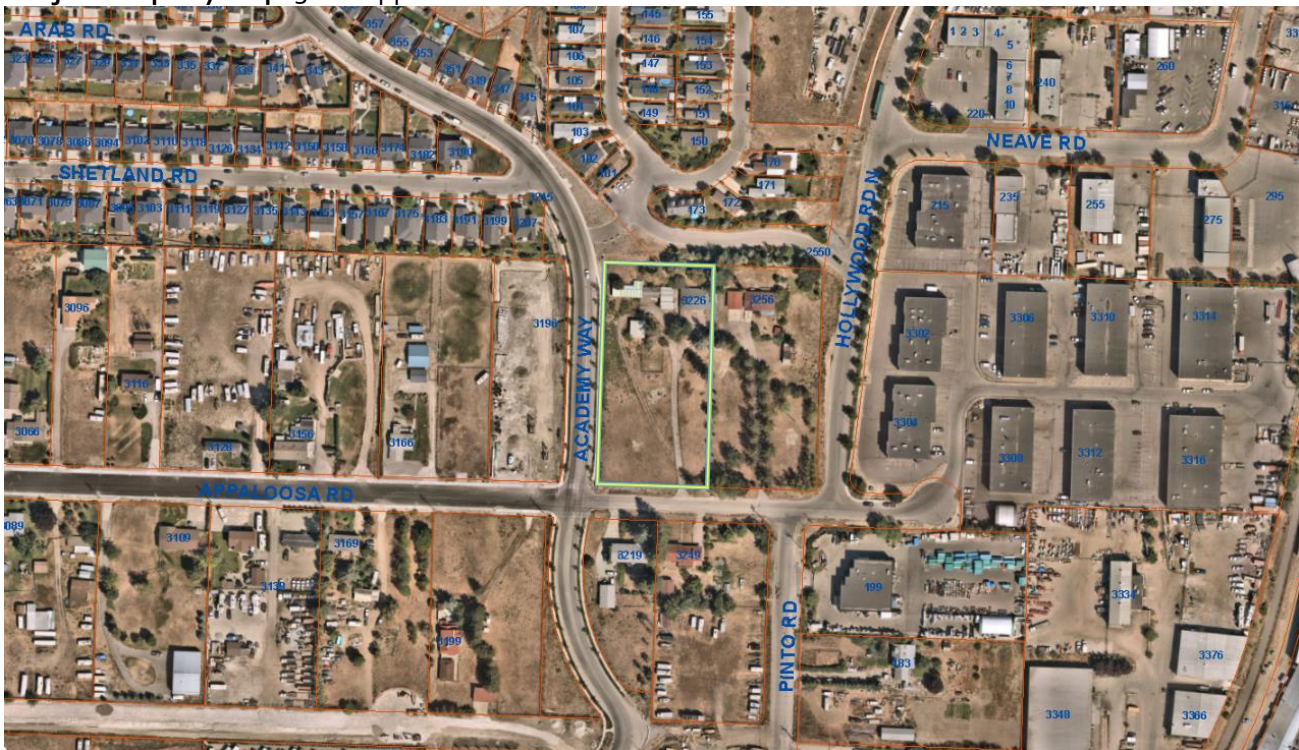
Staff support the proposed application to rezone the subject property from the RR2 - Small Lot Rural Residential zone to the I2 – General Industrial zone to facilitate industrial development on the subject property. Located within the within the permanent growth boundary , the 2040 Official Coommunity Plan (OCP) designates the subject property as IND – Industrial, which support the continued development of industrial lands under this designation. The I2 zone allows for a range of low-impact general industrial uses that are intended to act as a transition between the general industrial areas to the west, east and south, and the rural residential areas to the north. The permitted uses, development regulations, screening requirements, outdoor storage restriction and other regulations within the I2 zone are designed to limit negative impacts to the nearby residential, rural, and non-ALR agricultural uses in the area.

Lot Area	Proposed (m <sup>2</sup> )
Gross Site Area	8,134 m <sup>2</sup>
Road Dedication	Approx. 1,136 m <sup>2</sup>
Net Site Area	Approx. 6,998 m <sup>2</sup>

#### 4.0 Site Context & Background

Orientation	Zoning	Land Use
North	Ru2 – Medium Lot Housing	Single Detached Dwelling
East	A2 - Non ALR Agriculture I1 – I1 – Business Industrial I2 – General Industrial	Rural Residential Industrial
South	A2 – Non ALR Agriculture I2 – General Industrial	Rural Residential
West	I2 - General Industrial	Industrial

#### Subject Property Map: 3226 Appaloosa Rd



The subject property is a corner lot located at Appaloosa Rd and Academy Way, is within an industrial area of the Gateway Growth District with many industrial services and is in close proximity to Highway 97.

#### 4.1 Background and Project Description

The Arab/Appaloosa Road Area (the area; the neighbourhood) has a long-standing planning history. A project update for the area was presented to Council on February 28, 2022. Subsequently, 11 properties in the central part of the neighbourhood were rezoned to I2 – General Industrial in July 2022.

The area has complex road and utility challenges that necessitates a comprehensive and coordinated solution. In order to rezone the subject lot to industrial, the road network in the area requires comprehensive upgrades, and community water and sewer is required to service the new industrial lands. The off-site requirements include underground and surface infrastructure for Appaloosa Road.

**5.0 Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

<b>Objective 6.4 Support the continued development of industrial lands (Chapter 6: The Gateway)</b>	
Policy 6.4.4 Industrial/Residential Interface	Require low impact industrial uses where industrial lands are adjacent to residential lands. Such uses should be primarily indoors, have limited outdoor storage and include extensive buffering and screening to reduce impacts on residential neighbourhoods. <i>The proposed rezoning and permitted land uses under the I2 zone are considered low impact for surrounding residential / industrial interface.</i>
Policy 6.4.7 Industrial Employment	Support development of industrial lands in the Gateway, recognizing the important role that industrial activities play in meeting employment and service needs of the city and region. <i>The proposed rezoning and development of the subject property could provide opportunity for industrial employment and services needed by the City and the surrounding region.</i>

**6.0 Application Chronology**

Application Accepted: April 21, 2023  
 Neighbourhood Notification Summary Received: July 19, 2023  
 Revised Drawings Received: August 31, 2023

**Report prepared by:** Barbara B. Crawford, Planner II  
**Reviewed by:** Lydia Korolchuk, Acting Planning Supervisor  
**Reviewed by:** Dean Strachan, Community Planning & Development Manager  
**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

**Attachments:**  
 Attachment A: Development Engineering Memo

For additional information, please visit our Current Developments online at [www.kelowna.ca/currentdevelopments](http://www.kelowna.ca/currentdevelopments).



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**CITY OF KELOWNA**  
**MEMORANDUM**



**Date:** June 7, 2023  
**File No.:** Z23-0025  
**To:** File Manager (TC)  
**From:** Development Engineering Manager (NC)  
**Subject:** 3226 Appaloosa Rd A2 to I2

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The Development Engineering Branch has the following comments and requirements for this application to rezone the subject property from RR2 - Small lot Rural Residential to I2 - General Industrial to facilitate an industrial building development. The Development Engineering Technician for this project is Cindal McCabe ([cmccabe@kelowna.ca](mailto:cmccabe@kelowna.ca)).

**1. GENERAL**

- a. The following requirements are valid for two (2) years from the reference date of this memo, or until the application/PLR has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.

**2. PROPERTY-RELATED REQUIREMENTS**

- a. Approximately 1 m road dedication along the entire frontage of Academy Way is required to achieve a ROW width of 22 m in accordance with OCP Functional Road Classification objectives.
- b. A road dedication of 6.0 m radius at the corner of Appaloosa Road and Academy Way is required to achieve adequate maneuverability to the site.

**3. SANITARY SEWER SYSTEM**

- a. The applicant will be required to extend the municipal sanitary sewer main from Academy Way along Appaloosa Rd in order to provide sanitary sewer service to the proposed development.
- b. Only one service will be permitted for each legal lot.
- c. Industrial lots require an inspection manhole within the subject lot and an inspection chamber (as per SS-S7, c/w Brooks Box) within the City's ROW as per section 2.16 of Schedule 4 of the Subdivision, Development & Servicing Bylaw No. 7900.

**4. STORM DRAINAGE**

- a. The applicant will be required to extend the municipal storm sewer main from either Academy Way or Hollywood Rd along Appaloosa Rd in order to provide storm sewer service to the proposed

development. In either case, the applicant will be responsible to assess adverse downstream capacity and water quality impacts and mitigate, if present.

**5. ROAD IMPROVEMENTS**

- a. Appaloosa Rd is classified in the 2040 OCP as an industrial local and must be upgraded to a modified SS-R5 standard along the full frontage of the subject property to facilitate additional corridor density associated with this development. Required upgrades to include sidewalk, curb and gutter, LED street lighting, landscaped and irrigated boulevard, pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- b. Provide drought-tolerant, native species street trees and dryland seed mix on the existing berm in the Academy Way road right-of-way at the northwest property corner. Damaged, dead, or missing street trees, turf, and irrigation on the Academy Way west frontage must be refurbished. No further upgrades to Academy Way are required.
- c. All Landscape and Irrigation plans require design and inspection by a Qualified Professional registered with the BCSLA and the IIABC, are to be included as a line item in the estimate for the Servicing Agreement performance security. Landscape and irrigation plans require approval by the Development Engineering Branch at the same time as other “issued for construction” drawings.
- d. Streetlights must be installed on all public roads. All streetlighting plans are to include photometric calculations demonstrating Bylaw 7900 requirements are met and require approval by the Development Engineering Branch at the same time as other “issued for construction” drawings.

**6. POWER AND TELECOMMUNICATION SERVICES**

- e. All proposed distribution and service connections are to be installed underground. 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. The utility companies are required to obtain the City’s approval before commencing construction.
- f. Re-locate existing poles and utilities, where necessary including within lanes. Remove aerial trespass(es).

**7. DESIGN AND CONSTRUCTION**

- a. 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.
- b. 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.
- c. 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).

- d. A "Consulting Engineering Confirmation Letter" (City document "C") must be completed prior to submission of any designs.
- e. Before any construction related to the requirements of this application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Services department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that right-of-ways are required for current or future needs.

**8. SERVICING AGREEMENTS FOR WORKS AND SERVICES**

- a. 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.
- b. 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.

**9. CHARGES, FEES, AND SECURITIES**

- a. Fees per the "Development Application Fees Bylaw" include:
  - i. Survey monument, replacement fee: \$1,200.00 (GST exempt) – only if disturbed.
  - ii. Engineering and Inspection Fee: 3.5% of construction value of the off-site Works & Services performed by the applicant (plus GST)

  
\_\_\_\_\_  
Nelson Chapman, P.Eng.  
Development Engineering Manager

CM

**CITY OF KELOWNA**  
**BYLAW NO. 12606**  
**Z23-0025**  
**3226 Appaloosa Road**

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of Lot 15 Section 2 Township 23 ODYD Plan 18861 located on Appaloosa Road, Kelowna, BC from the RR2 - Small Lot Rural Residential zone to the I2 – General Industrial 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, second and third time by the Municipal Council this

Approved under the Transportation Act this

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(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

---

City Clerk





City of  
**Kelowna**

# Z23-0025 3226 Appaloosa Rd

Rezoning Application

# Purpose

- ▶ To rezone the subject property from the RR2 - Small Lot Rural Residential zone to the I2 - General Industrial zone to facilitate industrial development

# Development Process



Apr 21, 2023

Development Application Submitted

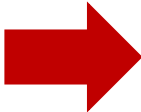


Staff Review & Circulation



July 19, 2023

Public Notification Received



Nov 27, 2023

Initial Consideration



Reading Consideration



Final Reading & DP/DVP



Building Permit



Council Approvals



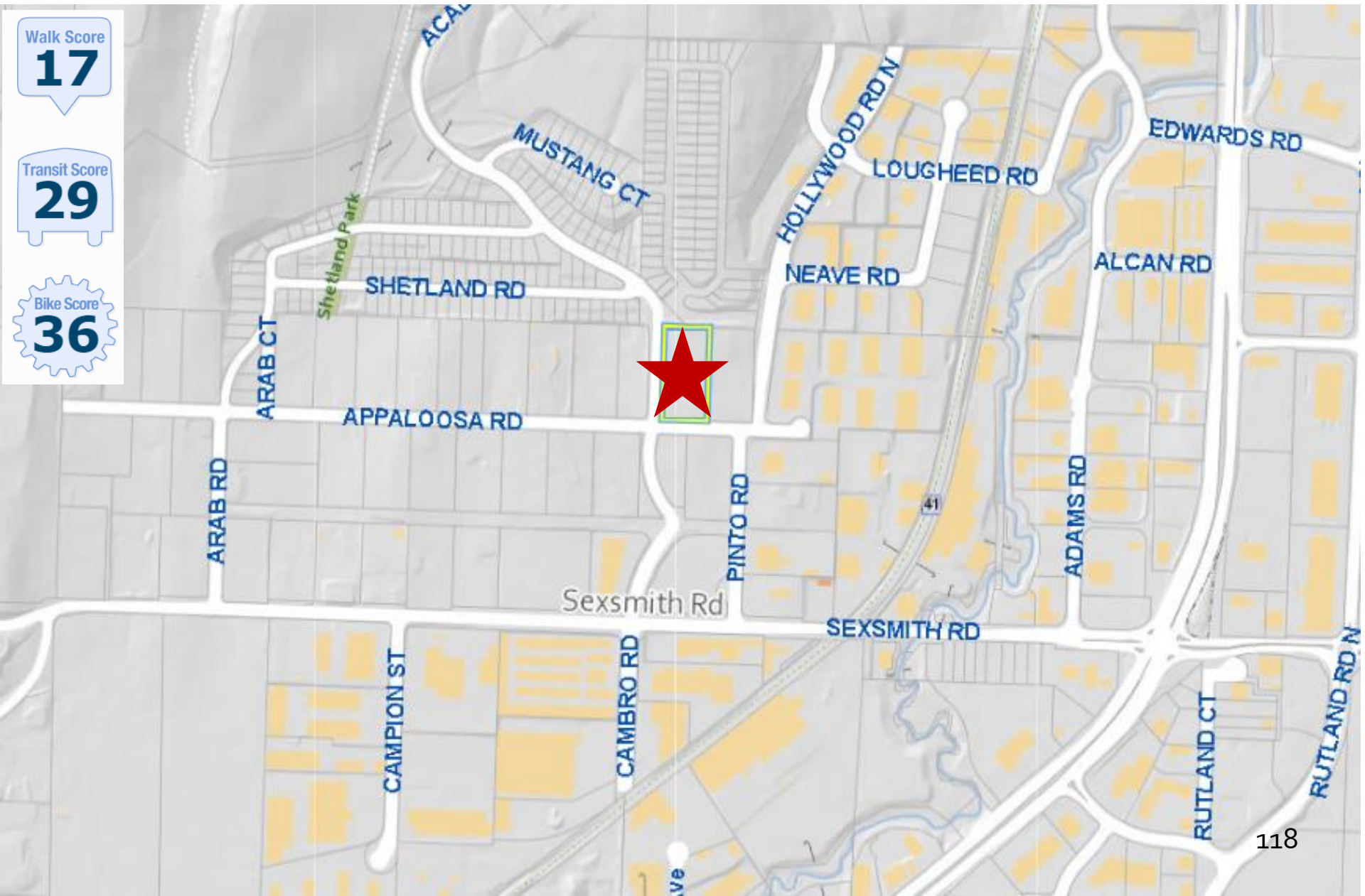
# Context Map



Walk Score  
**17**

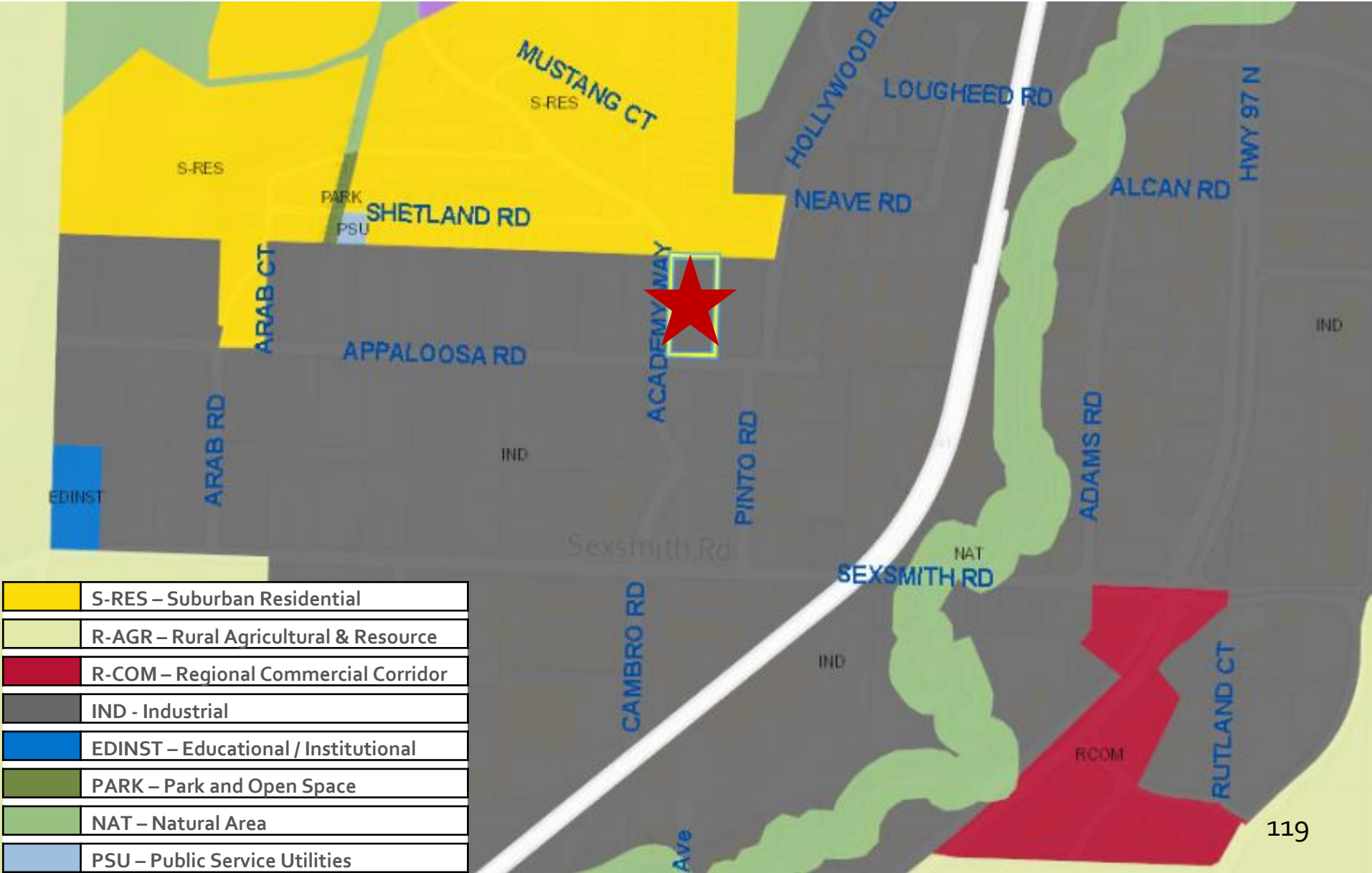
Transit Score  
**29**

Bike Score  
**36**

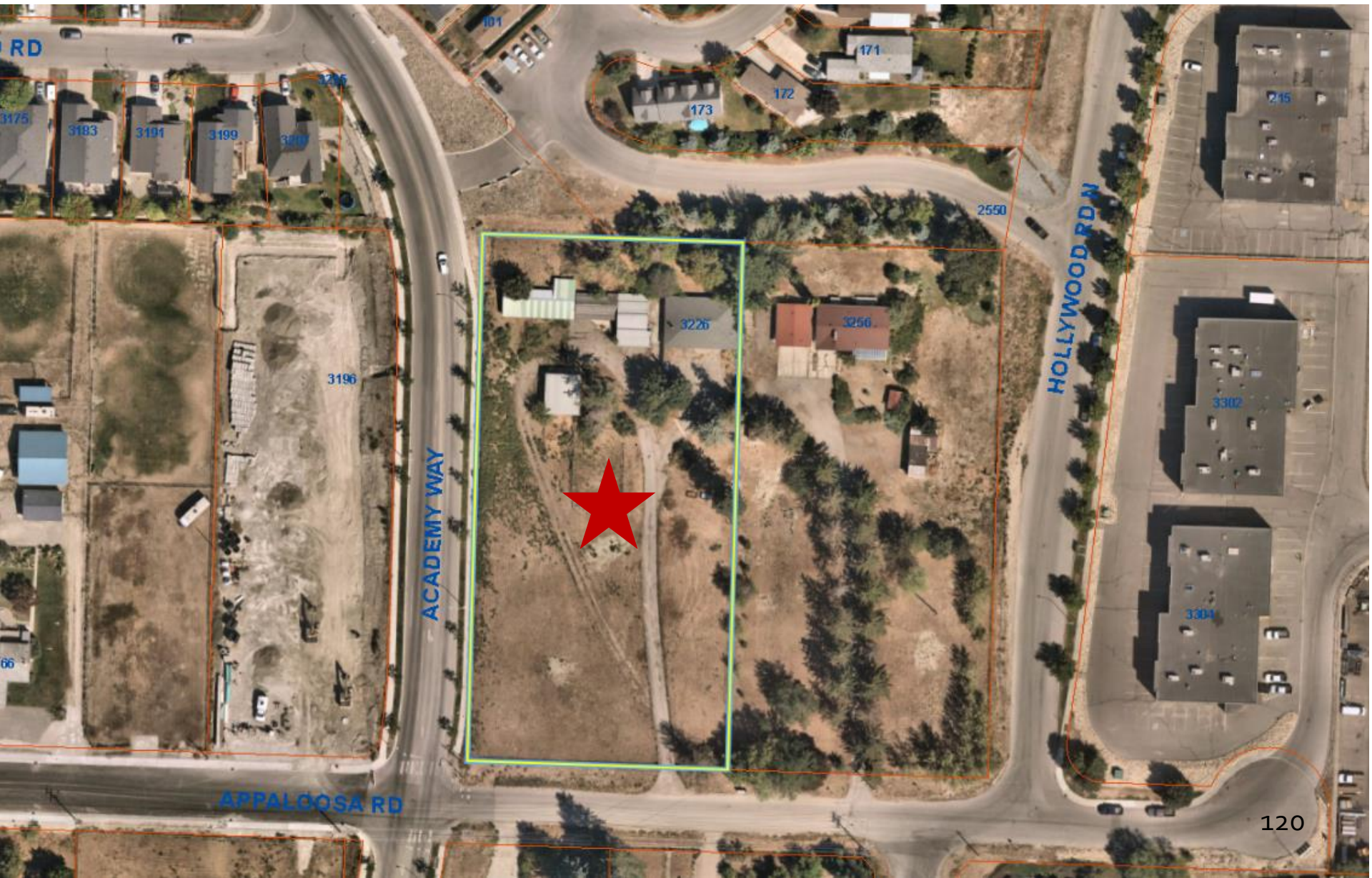




# OCP Future Land Use

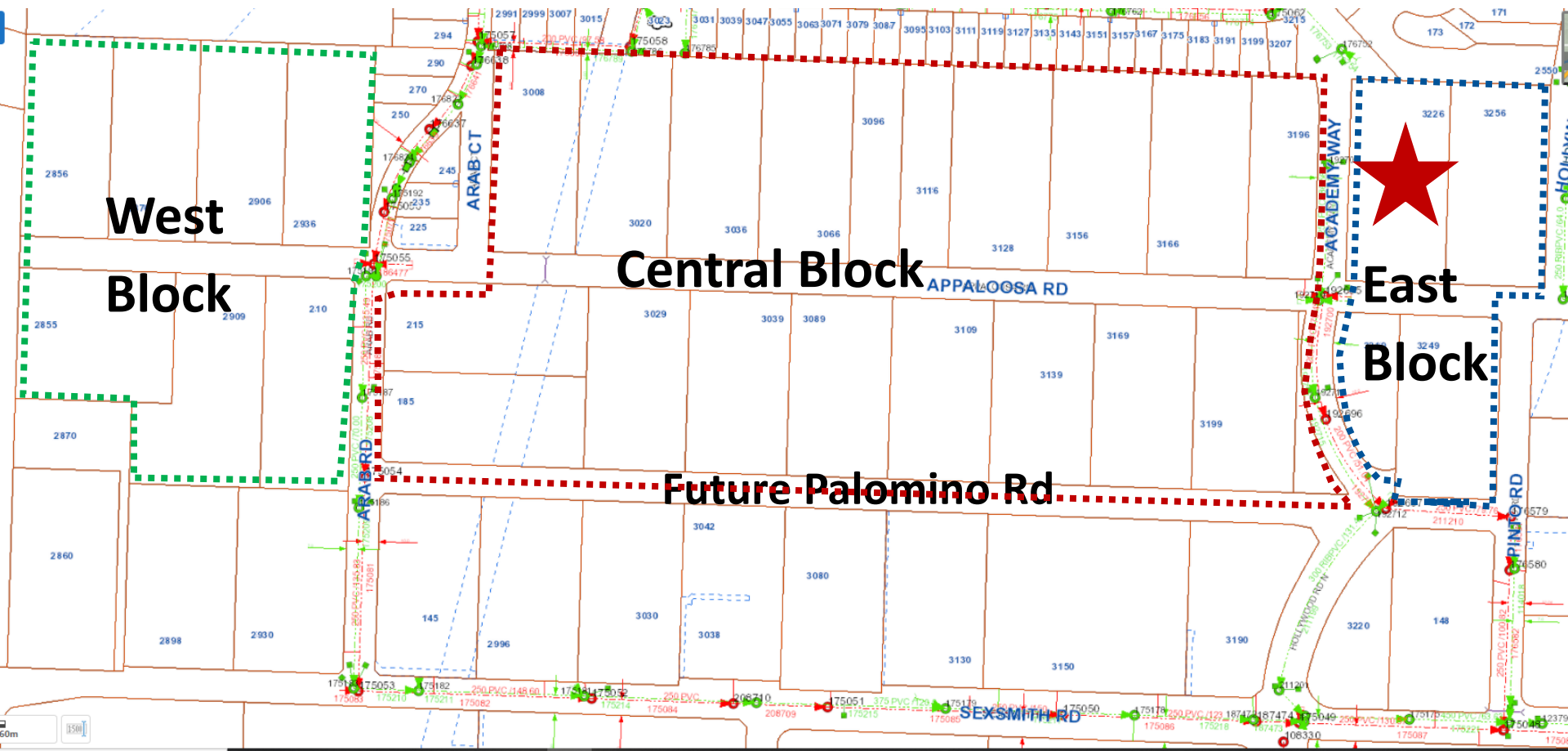


# Subject Property Map





# Project Background



**West  
Block**

**Central Block**

**East  
Block**

**Future Palomino Rd**

# Project Details

- ▶ IND – Industrial
  - ▶ I2 – General Industrial
  - ▶ Three 2-storey industrial buildings
  - ▶ Site access from Appaloosa Rd
  - ▶ Underground & surface infrastructure upgrades to Appaloosa Rd



# OCP Objectives & Policies

- ▶ Policy 6.4.4: Industrial/Residential Interface
  - ▶ Low impact industrial uses where industrial lands are adjacent to residential lands.
  
- ▶ Policy 6.4.7: Industrial Employment
  - ▶ Support development of industrial lands in the Gateway. Industrial activities play in meeting employment and service needs of the city and region.

# Staff Recommendation

- ▶ Staff recommend **support** for the proposed rezoning as it is consistent with:
  - ▶ OCP Future Land Use IND - Industrial
  - ▶ OCP Objectives in Chapter 6 Gateway
    - ▶ Industrial/Residential Interface
    - ▶ Industrial Employment
  - ▶ Development Permit to follow

# REPORT TO COUNCIL DEVELOPMENT PERMIT



**Date:** November 27<sup>th</sup>, 2023  
**To:** Council  
**From:** City Manager  
**Address:** 1463 Inkar Road  
**File No.:** DP23-0149  
**Zone:** UC2 – Capri-Landmark Urban Centre

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP23-0149 for Lot 7 Section 19 Township 26 ODYD Plan 28505, located at 1463 Inkar Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;

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

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

## 2.0 Purpose

To issue a Development Permit for the form and character of an 8-unit townhouse development.

## 3.0 Development Planning

Staff support the Development Permit for the form and character of an 8-unit townhouse development. The proposal generally conforms to the Official Community Plan (OCP) Form and Character Development Permit Guidelines for Townhouses. Key guidelines that are being met include:

- Providing a main-entrance and ground-oriented unit facing Inkar Road;
- The addition of ample private and common amenity space throughout the site;
- The development is a minor increase in scale and massing into existing neighbourhood.

Common amenity spaces include communal planters, seating and patio areas along the side yards of the property. Private amenity spaces include rooftop patios and end-unit balconies.

The Urban Centre allows up to four storeys, however, the proposed townhouse units are three storeys, which adds a gradual increase in scale and massing into the existing neighbourhood. The perceived massing is further mitigated by limiting large windows overlooking onto neighbouring properties and the addition of trees along the side yards.

#### 4.0 Subject Property & Background

##### 4.1 Subject Property Map



The subject property is located on Inkar Road near the intersection with Springfield Road and is in the Capri-Landmark Urban Centre. Springfield Road is designated as a Transit Supportive Corridor and there are four bus stops located within 200m of the subject property. The surrounding area has a mix of single dwelling housing, townhouses, and apartment housing.

#### 5.0 Zoning Bylaw Regulations Summary

AREA & UNIT STATISTICS		
Gross Lot Area	950.6 m <sup>2</sup>	
<b>Total Number of Units</b>	<b>8</b>	
Townhomes	8	
DEVELOPMENT REGULATIONS		
CRITERIA	UC <sub>2</sub> ZONE	PROPOSAL
<b>Total Maximum Floor Area Ratio</b>	<b>1.5</b>	<b>0.93</b>
Max. Site Coverage (buildings)	85%	45.6%
Max. Site Coverage (buildings, parking, driveways)	90%	72%
<b>Max. Height</b>	<b>18.0 m / 4 storeys</b>	<b>9.54 m / 3 storeys</b>
Setbacks		
Min. Front Yard (North)	0.0 m (6.0 m from edge of curb)	2.0 m
Min. Side Yard (East)	0.0 m	1.19 m



Min. Side Yard (West)	0.0 m	2.64 m
Min. Rear Yard (South)	0.0 m	0.64 m
<b>Amenity Space</b>		
<b>Total Required Amenity Space</b>	<b>120 m<sup>2</sup></b>	<b>451.7 m<sup>2</sup></b>
Common	32 m <sup>2</sup>	182.5 m <sup>2</sup>
Private	88 m <sup>2</sup>	269.2 m <sup>2</sup>
<b>Landscaping</b>		
Min. Number of Trees	2 trees	2 trees
Min. Large Trees	1 tree	1 tree
<b>PARKING REGULATIONS</b>		
<b>CRITERIA</b>	<b>UC<sub>2</sub> ZONE REQUIREMENTS</b>	<b>PROPOSAL</b>
<b>Total Required Vehicle Parking</b>	<b>9 stalls</b>	<b>10 stalls</b>
Residential	8	8
Visitor	1	2
Ratio of Regular to Small Stalls	Min. 50% Regular Max. 50% Small	50 % Regular 50 % Small
Bicycle Stalls Short-Term	6 stalls	10 stalls

**6.o Application Chronology**

Application Accepted: August 24<sup>th</sup>, 2023

**Report prepared by:** Tyler Caswell, Planner II  
**Reviewed by:** Lydia Korolchuk, Acting Planning Supervisor  
**Reviewed by:** Jocelyn Black, Urban Planning Manager  
**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

**Attachments:**

Attachment A: Draft Development Permit DP23-0149  
    Schedule A: Site Plan & Floor Plans  
    Schedule B: Elevations & Sections  
    Schedule C: Landscape Plan  
Attachment B: OCP Form and Character Development Permit Guidelines

For additional information, please visit our Current Developments online at [www.kelowna.ca/currentdevelopments](http://www.kelowna.ca/currentdevelopments).

# Development Permit

DP23-0149



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

**1463 Inkar Road**

and legally known as

**Lot 7 Section 19 Township 26 ODYD Plan 28505**

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

## **Townhouses**

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

**Date of Council Approval: November 27<sup>th</sup>, 2023**

Development Permit Area: Form & Character DPA

Existing Zone: UC2 – Capri-Landmark Urban Centre

Future Land Use Designation: UC – Urban Centre

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

## **This is NOT a Building Permit.**

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

## **NOTICE**

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

Owner: Joseph Valerien Leopaul Froment, Jaqueline Marie Armand Froment and Charlette Alice Rose Froment

Applicant: Urban Options Planning Corp.

\_\_\_\_\_  
Jocelyn Black  
Urban Planning Manager  
Planning & Development Services

\_\_\_\_\_  
Date of Issuance

<b>ATTACHMENT</b>	<b>A</b>
This forms part of application # DP23-0149	
Planner Initials	<b>TC</b>
 <b>City of Kelowna</b> DEVELOPMENT PLANNING	

## 1. SCOPE OF APPROVAL

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

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

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

## 2. CONDITIONS OF APPROVAL

THAT Council authorizes the issuance of Development Permit No. DP23-0149 for Lot 7 Section 19 Township 26 ODYD Plan 28505 located at 1463 Inkar Road, Kelowna, BC, subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
- c) Landscaping to be provided on the land be in accordance with Schedule "C";
- d) The applicant be required to post with the City a Landscape Performance Security deposit in the amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;

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

## 3. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property owner of the day. Should the Developer carry out the development as per the conditions of this permit, the security shall be returned to the Developer or his or her designate following proof of Substantial Compliance as defined in Bylaw No. 12310. There is filed accordingly:

- a) An Irrevocable Letter of Credit **OR** certified cheque **OR** a Surety Bond in the amount of **\$29,579.38**

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

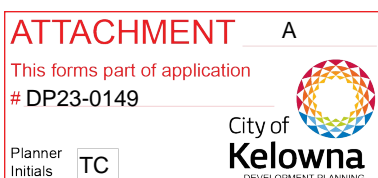
## 4. INDEMNIFICATION

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

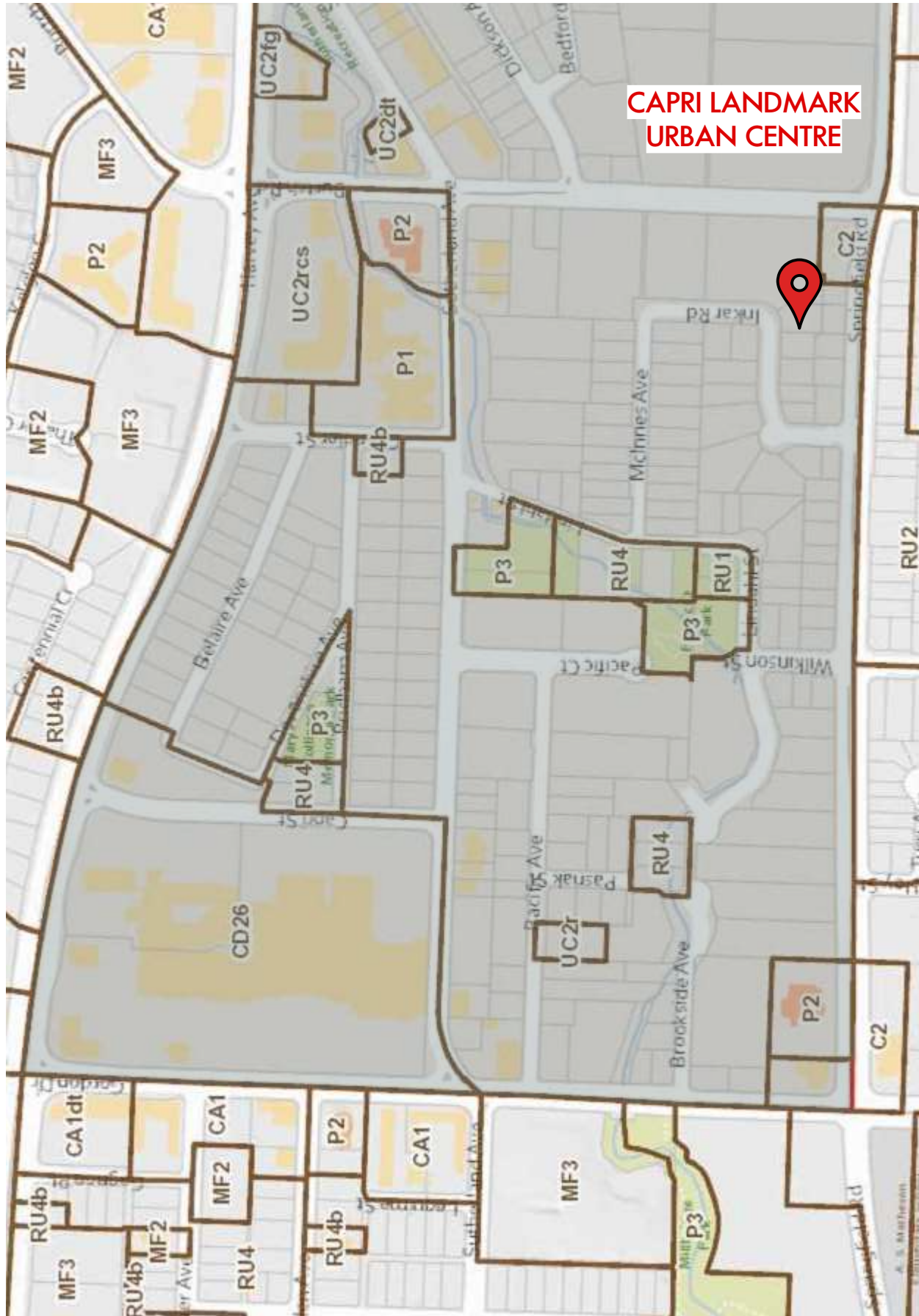
- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

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

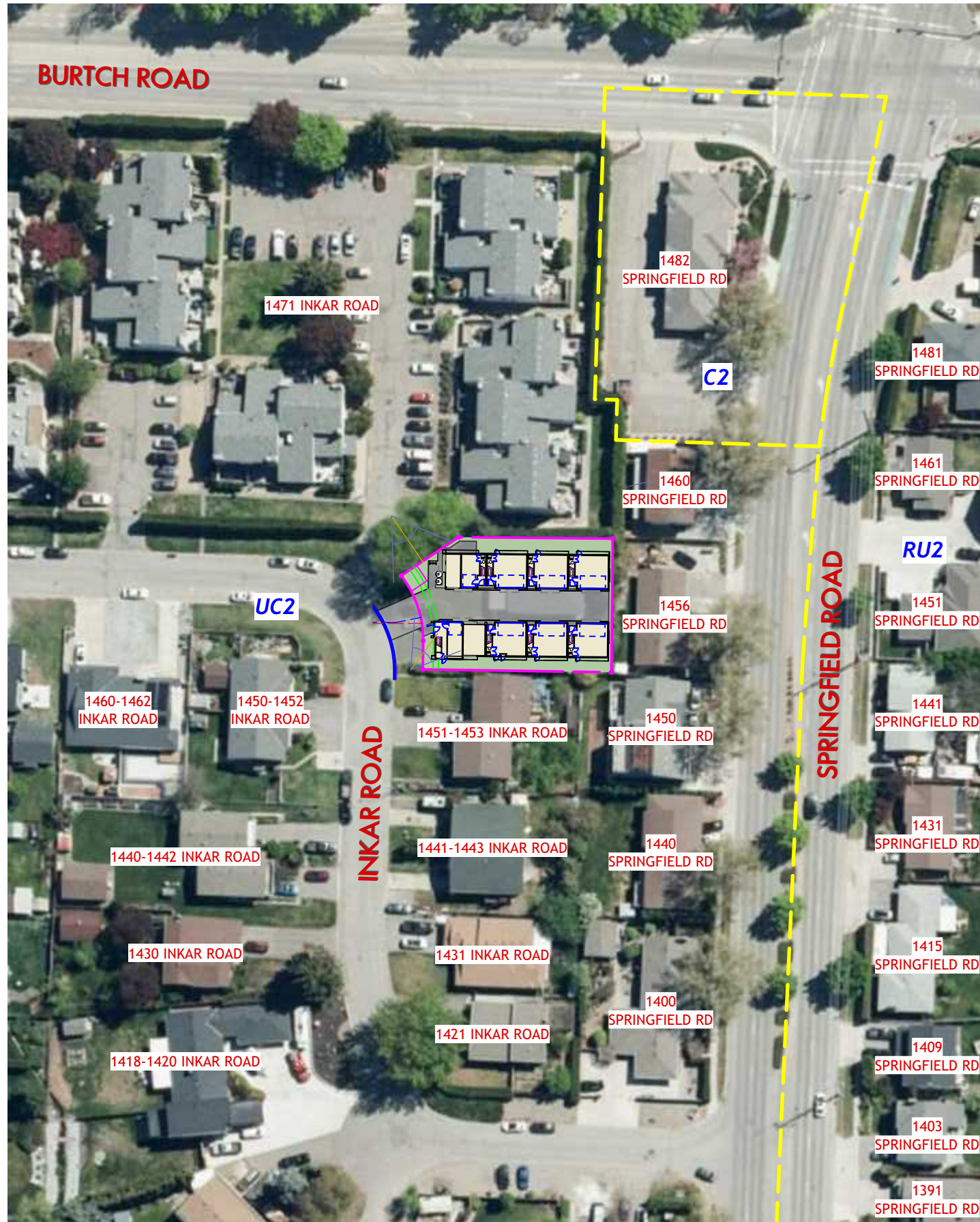
**The PERMIT HOLDER is the CURRENT LAND OWNER.**  
**Security shall ONLY be returned to the signatory of the Landscape Agreement or their designates.**







**SITE CONTEXT**  
NTS



**ZONING CONTEXT/NEIGHBOURHOOD DETAIL**  
1:1000

**SCHEDULE A**  
This forms part of application # DP23-0149  
Planner Initials: TC  
City of Kelowna  
DEVELOPMENT PLANNING



**IHS DESIGN**  
#202-1470 ST. PAUL ST.  
KELOWNA, BC  
250.212.7938  
info@ihdesign.ca



**RESIDENTIAL DEVELOPMENT**

INKAR MULTIFAMILY

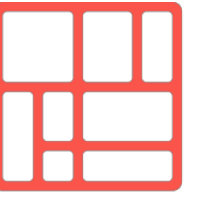
1463 INKAR ROAD  
KELOWNA, BC V1Y 8J1  
LOT 7 PLAN KAP28505

**SITE CONTEXT**

DATE: 15-Nov-23

SCALE: AS NOTED  
ISSUED FOR: REVIEW ONLY





**IHS DESIGN**  
 #202-1470 ST. PAUL ST.  
 KELOWNA, BC  
 250.212.7938  
 info@ihdesign.ca



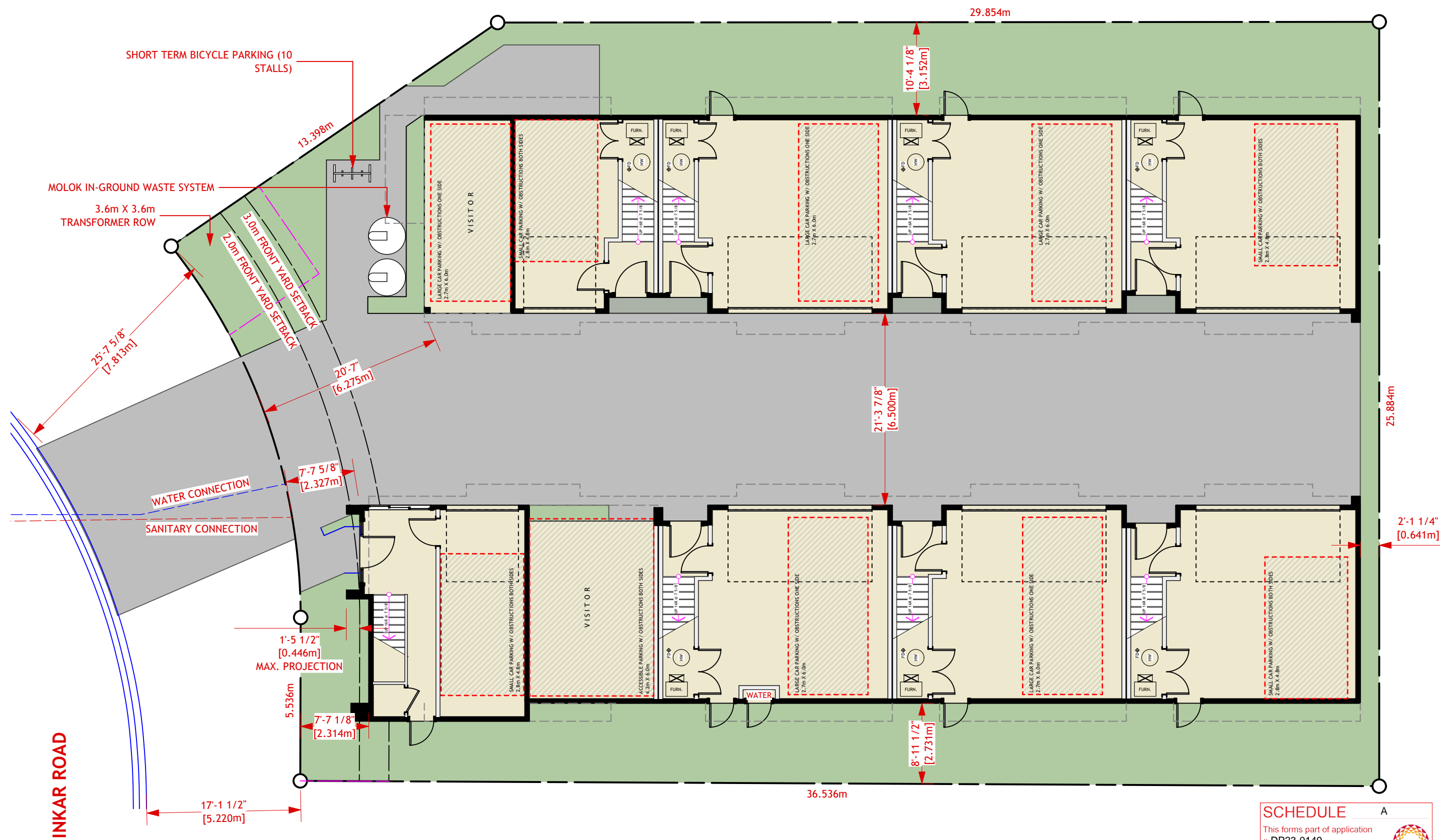
**RESIDENTIAL DEVELOPMENT**  
 INKAR MULTIFAMILY  
 1463 INKAR ROAD  
 KELOWNA, BC V1Y 8J1  
 LOT 7 PLAN KAP28505

SITE PLAN

DATE: 15-Nov-23

SCALE: 3/32" = 1'-0"  
 ISSUED FOR: REVIEW ONLY

DP1.2



**SCHEDULE A**  
 This forms part of application  
 # DP23-0149  
 Planner Initials TC  
 City of Kelowna  
 DEVELOPMENT PLANNING

**UC2 - CAPRI-LANDMARK URBAN CENTRE**

CITY OF KELOWNA ZONING BYLAW NO. 12375

SITE AREA	MINIMUM		PROPOSED	
	METRIC	IMPERIAL	METRIC	IMPERIAL
	1200 sq m	12916.7ft <sup>2</sup>	± 950.601 sq m	± 10232.18ft <sup>2</sup>
SITE WIDTH	40.0m	131.2ft	± 25.88m	± 84.91 ft
SITE DEPTH	30.0m	98.4ft	± 36.54m	± 119.87 ft
SITE COVERAGE	MAXIMUM	PROPOSED	MAXIMUM	PROPOSED
	METRIC	IMPERIAL	METRIC	IMPERIAL
EAST BUILDING ONLY	85.0%	± 45.6%	808.0m <sup>2</sup>	8697.4ft <sup>2</sup>
WEST BUILDING ONLY				± 208.837 sq m
IMPERMEABLE SURFACES				± 224.277 sq m
TOTAL	90.0%	± 72.2%	855.5m <sup>2</sup>	9209.0ft <sup>2</sup>
				± 252.872 sq m
				± 685.985 sq m
				± 4969.79ft <sup>2</sup>

DEVELOPMENT INFORMATION						
PER UNIT NET FLOOR AREAS IMPERIAL	GARAGE	LEVEL 1	LEVEL 2	LEVEL 3	TOTAL W/O GARAGE	TOTAL WITH GARAGE
UNIT 1	± 242.3ft <sup>2</sup>	± 28.8ft <sup>2</sup>	± 547.9ft <sup>2</sup>	± 528.7ft <sup>2</sup>	± 1105.5ft <sup>2</sup>	± 1347.8ft <sup>2</sup>
UNIT 2-3 & 6-7	± 430.2ft <sup>2</sup>	± 28.8ft <sup>2</sup>	± 532.4ft <sup>2</sup>	± 528.7ft <sup>2</sup>	± 1090.0ft <sup>2</sup>	± 1520.2ft <sup>2</sup>
UNIT 4-5	± 227.5ft <sup>2</sup>	± 229.6ft <sup>2</sup>	± 532.4ft <sup>2</sup>	± 528.7ft <sup>2</sup>	± 1290.8ft <sup>2</sup>	± 1518.3ft <sup>2</sup>
UNIT 8	± 216.6ft <sup>2</sup>	± 134.5ft <sup>2</sup>	± 687.8ft <sup>2</sup>	± 687.0ft <sup>2</sup>	± 1509.3ft <sup>2</sup>	± 1725.9ft <sup>2</sup>

FAR CALCULATION	# OF UNITS	TOTAL NFA/UNIT METRIC	TOTAL NFA/UNIT IMPERIAL	TOTAL NET FLOOR AREA METRIC	TOTAL NET FLOOR AREA IMPERIAL
UNIT 1	1	± 102.701 sq m	± 528.7ft <sup>2</sup>	± 102.701 sq m	± 1105.46ft <sup>2</sup>
UNIT 2-3 & 6-7	4	± 101.261 sq m	± 528.75ft <sup>2</sup>	± 405.044 sq m	± 4359.85ft <sup>2</sup>
UNIT 4-5	2	± 119.918 sq m	± 528.75ft <sup>2</sup>	± 239.837 sq m	± 2581.58ft <sup>2</sup>
UNIT 8	1	± 140.216 sq m	± 686.99ft <sup>2</sup>	± 140.216 sq m	± 1509.27ft <sup>2</sup>

NET FLOOR AREAS CALCULATED AS PERSCRIBED BY THE CITY OF KELOWNA ZONING BYLAW NO. 12375 SECTION 5.3

FLOOR AREA RATIO	MAXIMUM	PROPOSED	PRIVATE AMENITY SPACE	MINIMUM	PROPOSED
FAR	1.50	± 0.934	UNIT 1	25 sq m	± 35.222 sq m
NET FLOOR AREA	15348.27ft <sup>2</sup>	± 9556.2ft <sup>2</sup>	UNIT 2-3 & 6-7	25 sq m	± 35.222 sq m
			UNIT 4-5	25 sq m	± 28.951 sq m
			UNIT 8	25 sq m	± 35.222 sq m

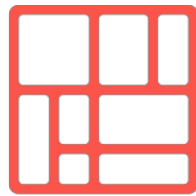
GFA PER UNIT	LEVEL 1		LEVEL 2		LEVEL 3		TOTAL GFA	
	METRIC	IMPERIAL	METRIC	IMPERIAL	METRIC	IMPERIAL	METRIC	IMPERIAL
ANSI Z765-2003								
UNIT 1	± 7.672 sq m	± 82.58ft <sup>2</sup>	± 62.462 sq m	± 672.33ft <sup>2</sup>	± 60.526 sq m	± 651.50ft <sup>2</sup>	± 130.661 sq m	± 1406.42ft <sup>2</sup>
UNIT 2-3 & 6-7	± 7.672 sq m	± 82.58ft <sup>2</sup>	± 60.898 sq m	± 655.50ft <sup>2</sup>	± 60.526 sq m	± 651.50ft <sup>2</sup>	± 129.097 sq m	± 1389.58ft <sup>2</sup>
UNIT 4-5	± 28.955 sq m	± 311.67ft <sup>2</sup>	± 60.898 sq m	± 655.50ft <sup>2</sup>	± 60.526 sq m	± 651.50ft <sup>2</sup>	± 150.379 sq m	± 1618.67ft <sup>2</sup>
UNIT 8	± 18.619 sq m	± 200.42ft <sup>2</sup>	± 75.089 sq m	± 808.25ft <sup>2</sup>	± 75.205 sq m	± 809.50ft <sup>2</sup>	± 168.913 sq m	± 1818.17ft <sup>2</sup>

BUILDING HEIGHT	MAXIMUM		PROPOSED		STOREYS	
AREAS IDENTIFIED AS 4 STOREYS	METRIC	IMPERIAL	METRIC	IMPERIAL	MAXIMUM	PROPOSED
	18.0m	59.1ft	± 9.54m	± 31.30 ft	4	3

BUILDING SETBACKS (FROM PL)	REQUIRED		PROPOSED	
	METRIC	IMPERIAL	METRIC	IMPERIAL
FRONT (NORTH - INKAR ROAD)	3.0m	9.8ft	± 3.00m	± 9.84 ft
SIDE (EAST-INTERIOR)	0.0m	0.0ft	± 1.19m	± 3.90 ft
REAR (SOUTH)	0.0m	0.0ft	± 0.64m	± 2.10 ft
SIDE (WEST INTERIOR)	0.0m	0.0ft	± 2.64m	± 8.66 ft

PARKING STALLS	REQUIRED	PROPOSED
	1 STALL PER UNIT (MINIMUM)	8
VISITOR STALLS	2	2
TOTAL	10	10
	ALLOWED	PROPOSED
50% SMALL CAR PARKING STALLS	4	4

**BICYCLE PARKING - LONG TERM**  
 ALLOWED FOR IN PRIVATE GARAGES OF TOWNHOMES



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**PLAN B**  
 CONTRACTORS INC.  
 A PLAN B GROUP COMPANY

**RESIDENTIAL DEVELOPMENT**

INKAR MULTIFAMILY



1463 INKAR ROAD  
 KELOWNA, BC V1Y 8J1  
 LOT 7 PLAN KAP28505

**ZONING CALCULATIONS**

**SCHEDULE A**  
 This forms part of application # DP23-0149  
 City of Kelowna DEVELOPMENT PLANNING  
 Planner Initials TC

DATE: 15-Nov-23

SCALE: 3/32" = 1'-0"  
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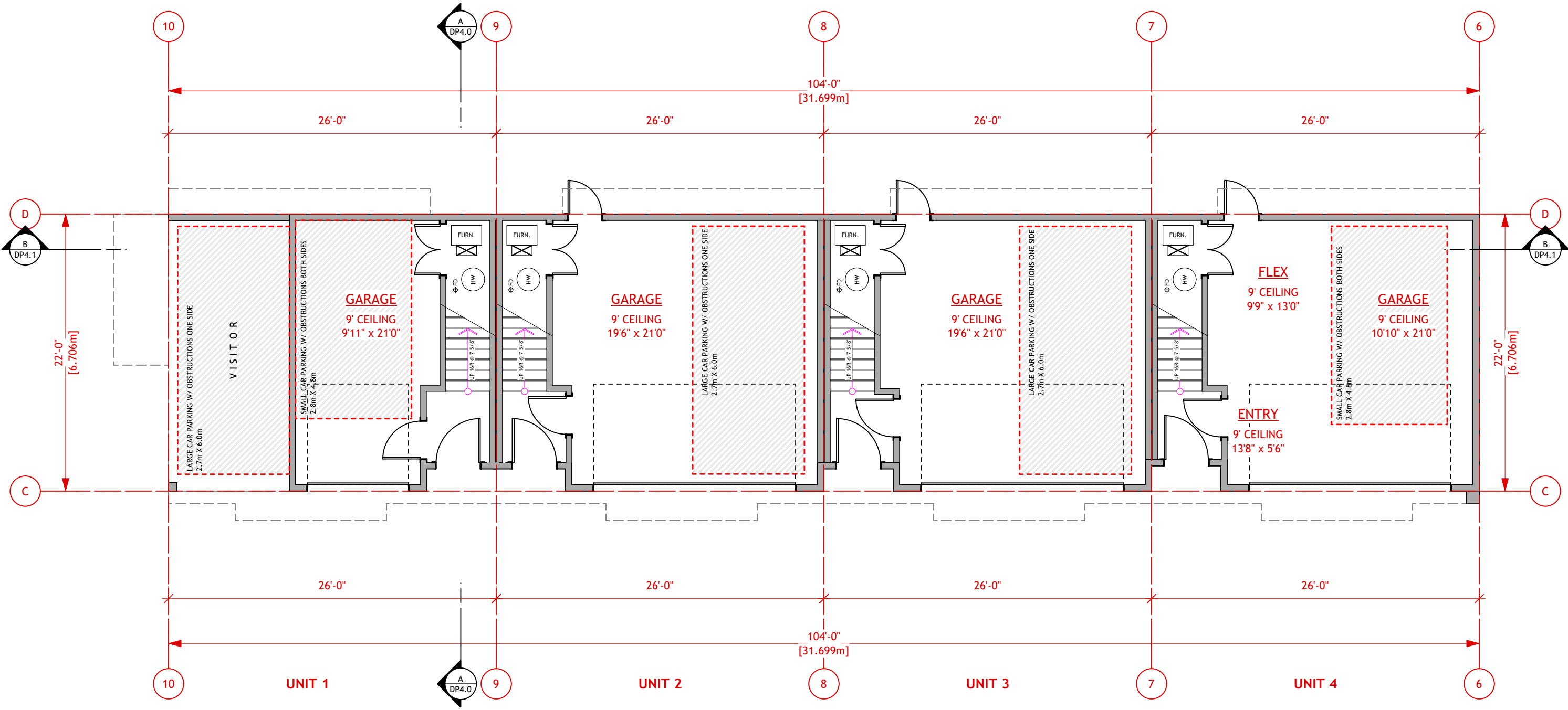
1463 INKAR ROAD  
KELOWNA, BC V1Y 8J1  
LOT 7 PLAN KAP28505

**EAST BUILDING  
FIRST FLOOR PLAN**

DATE: 15-Nov-23

SCALE: 1/8" = 1'-0"  
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133  
DP2.0



**SCHEDULE A**

This forms part of application  
# DP23-0149

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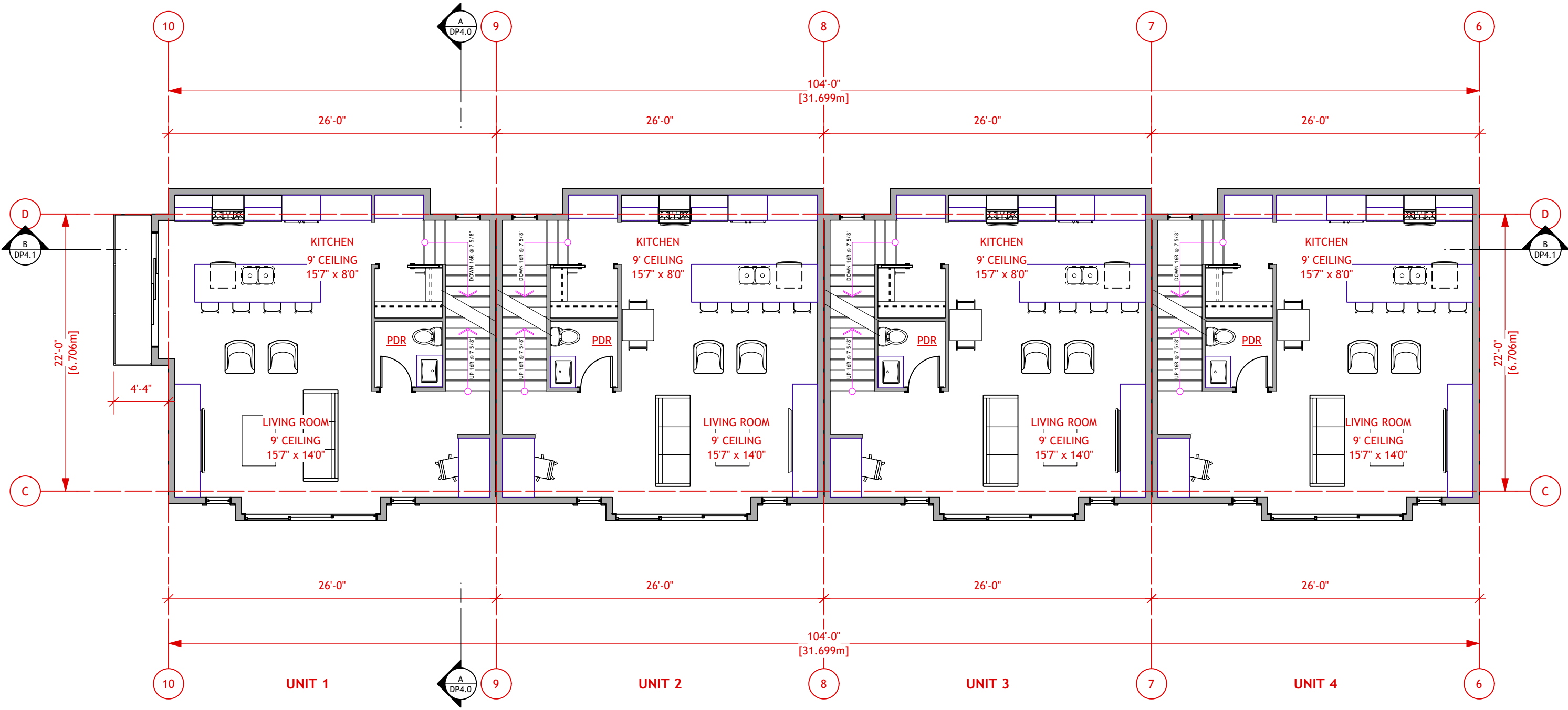
1463 INKAR ROAD  
KELOWNA, BC V1Y 8J1  
LOT 7 PLAN KAP28505

**EAST BUILDING  
SECOND FLOOR  
PLAN**

DATE: 15-Nov-23

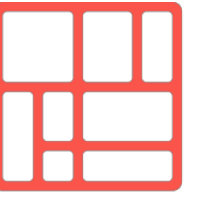
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134  
DP2.1



<b>SCHEDULE A</b>	
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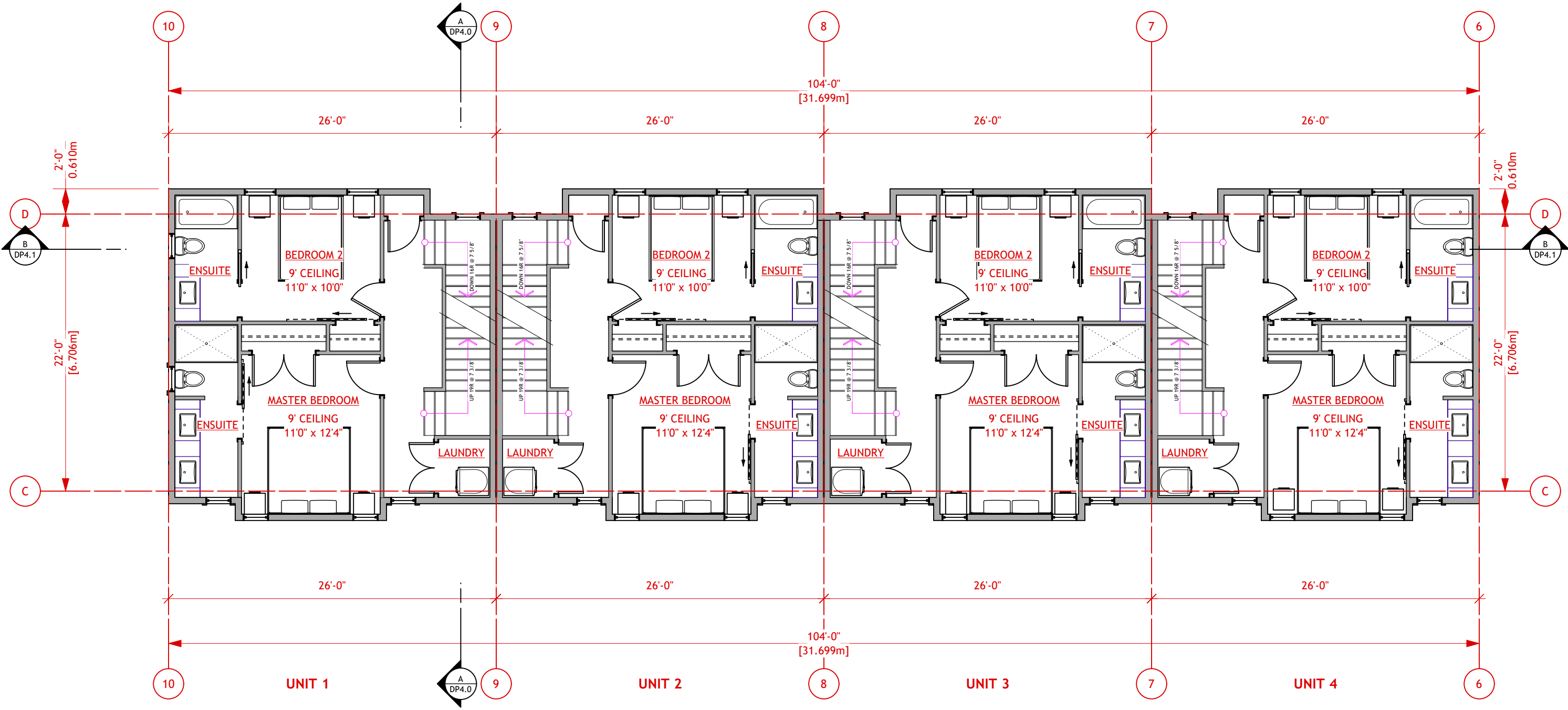
1463 INKAR ROAD  
 KELOWNA, BC V1Y 8J1  
 LOT 7 PLAN KAP28505

**EAST BUILDING  
 THIRD FLOOR PLAN**

DATE: 15-Nov-23

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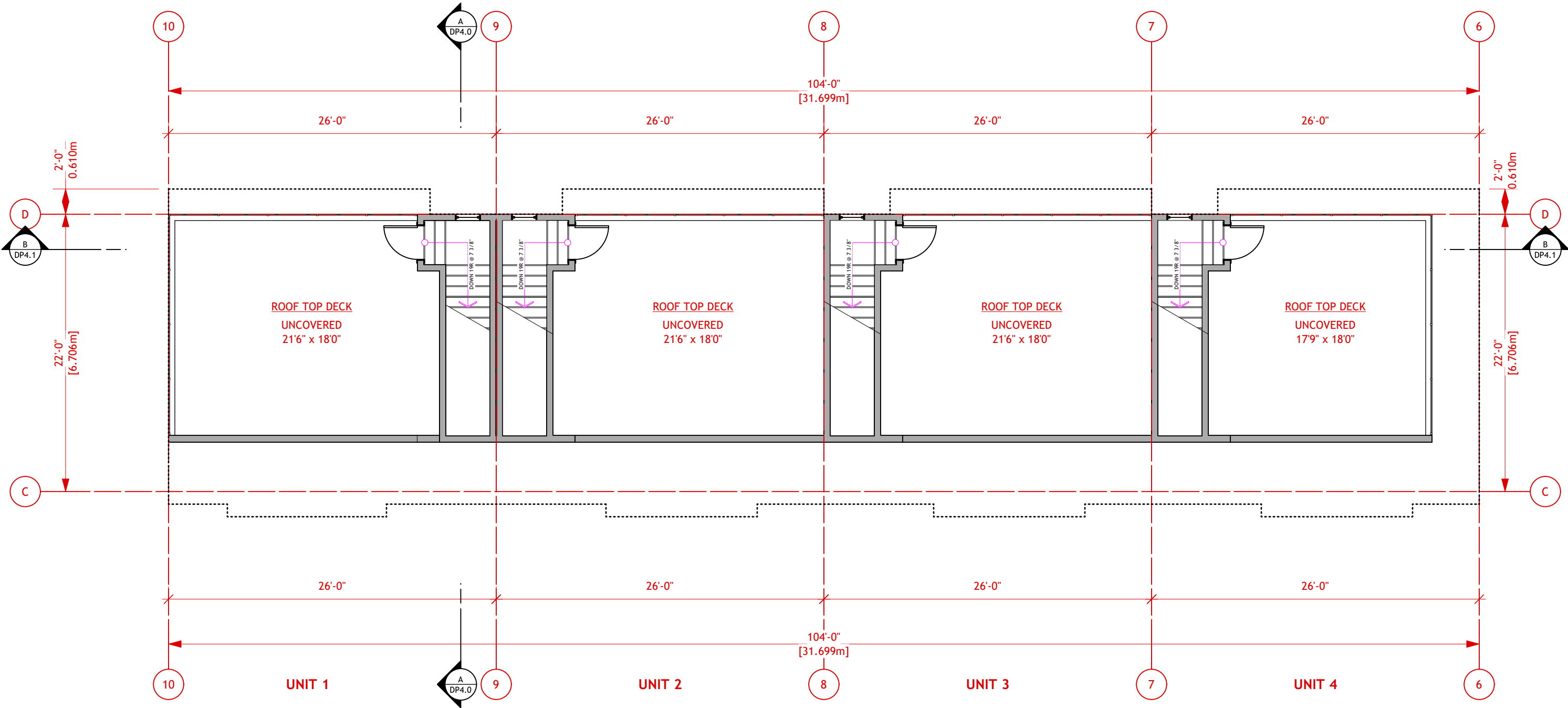
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KELOWNA, BC V1Y 8J1  
LOT 7 PLAN KAP28505

**EAST BUILDING  
ROOF LIVING PLAN**

DATE: 15-Nov-23

SCALE: 1/8" = 1'-0"  
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DP2.3



**SCHEDULE A**

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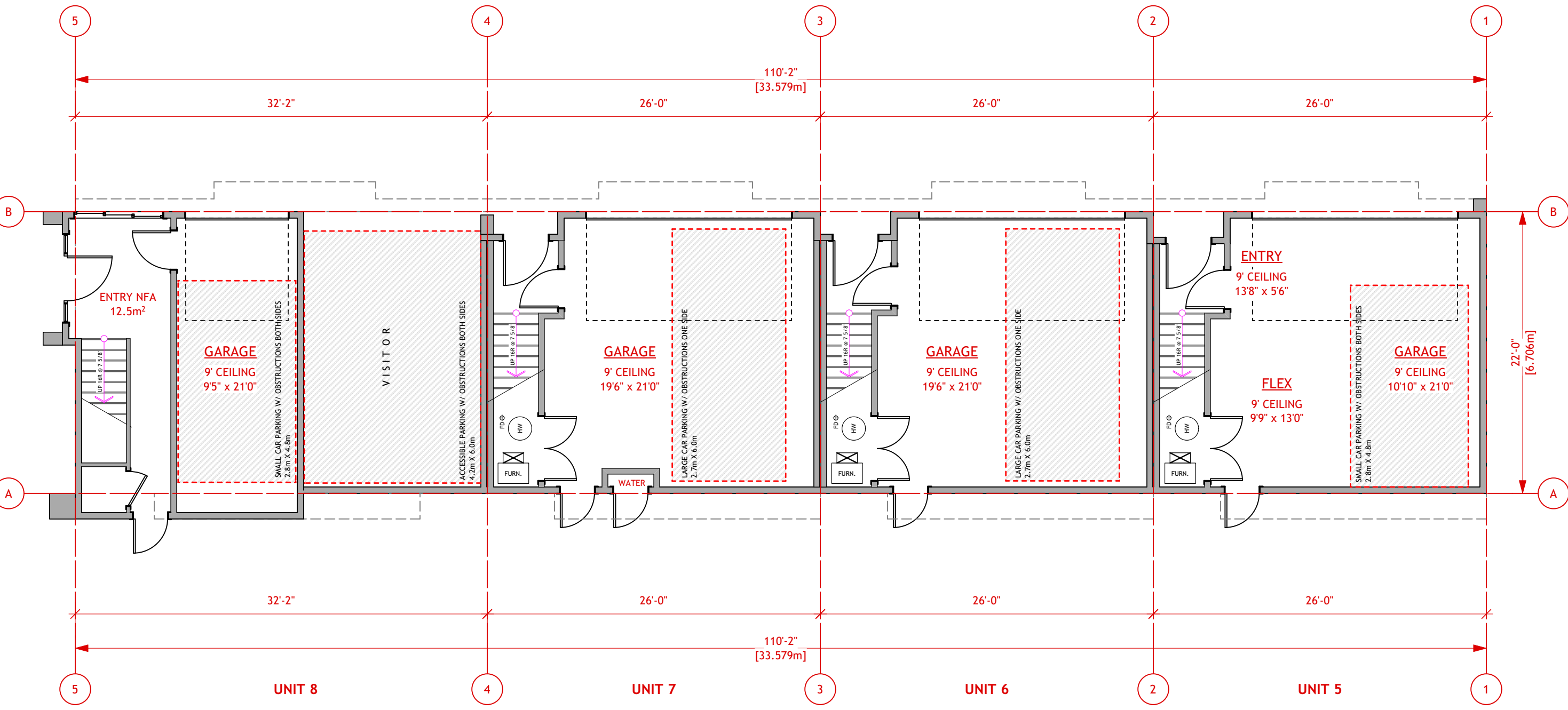
1463 INKAR ROAD  
KELOWNA, BC V1Y 8J1  
LOT 7 PLAN KAP28505

**WEST BUILDING  
FIRST FLOOR PLAN**

DATE: 15-Nov-23

SCALE: 1/8" = 1'-0"  
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DP2.4



**SCHEDULE A**

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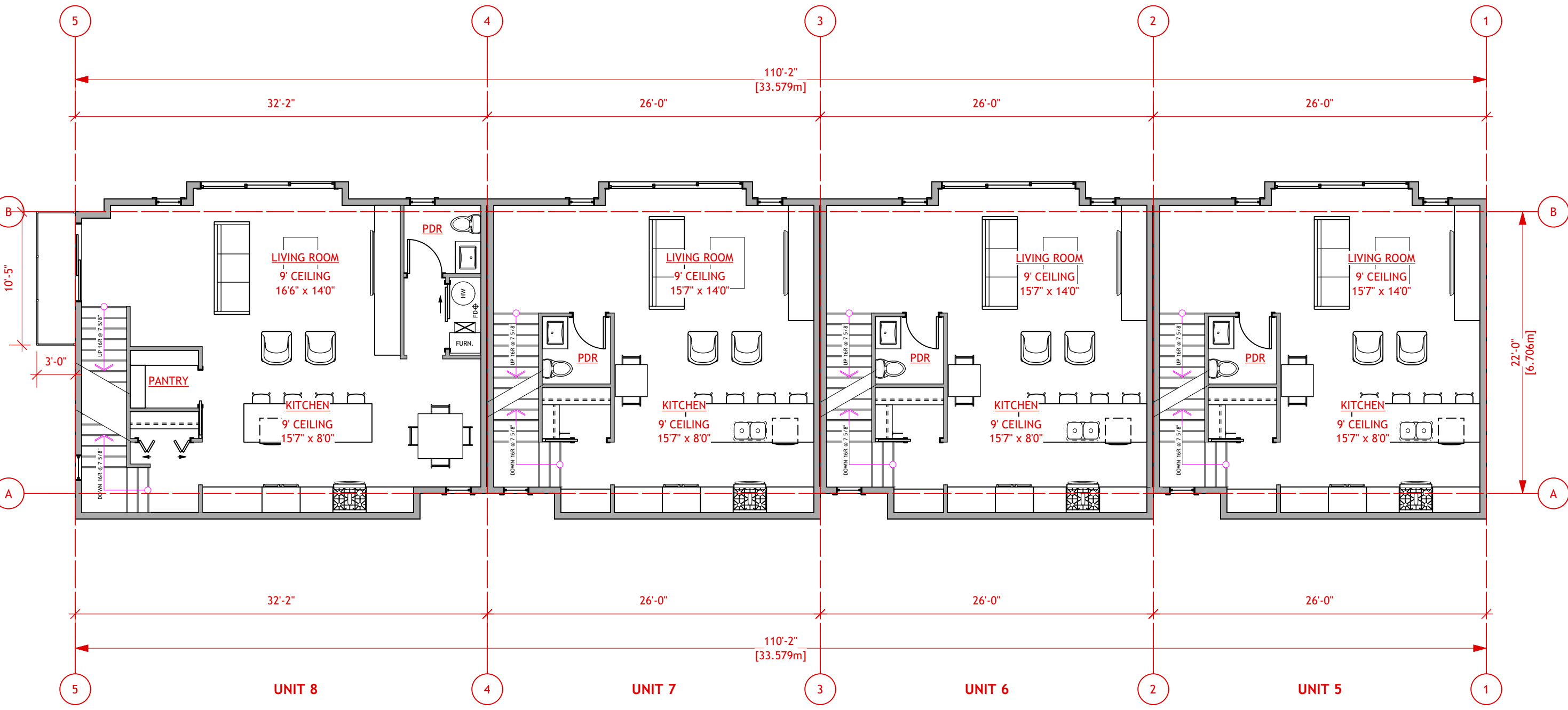
1463 INKAR ROAD  
KELOWNA, BC V1Y 8J1  
LOT 7 PLAN KAP28505

**WEST BUILDING  
SECOND FLOOR  
PLAN**

DATE: 15-Nov-23

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DP2.5



**SCHEDULE A**

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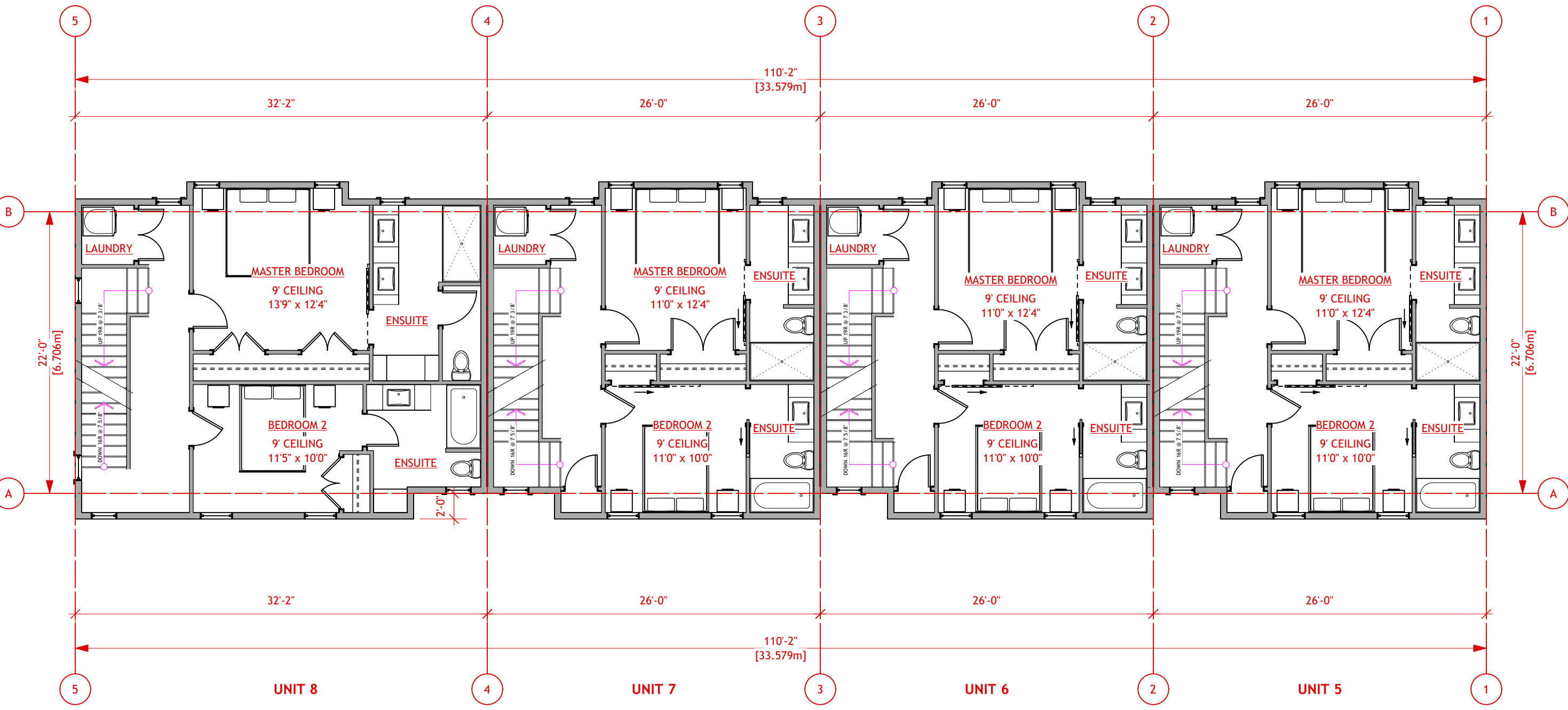
1463 INKAR ROAD  
KELOWNA, BC V1Y 8J1  
LOT 7 PLAN KAP28505

**WEST BUILDING  
THIRD FLOOR PLAN**

DATE: 15-Nov-23

SCALE: 1/8" = 1'-0"  
ISSUED FOR: REVIEW ONLY

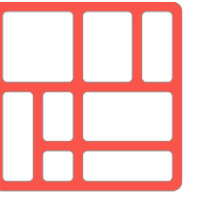
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**SCHEDULE A**

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 1463 INKAR ROAD  
 KELOWNA, BC V1Y 8J1  
 LOT 7 PLAN KAP28505



**WEST BUILDING  
 ROOF LIVING PLAN**

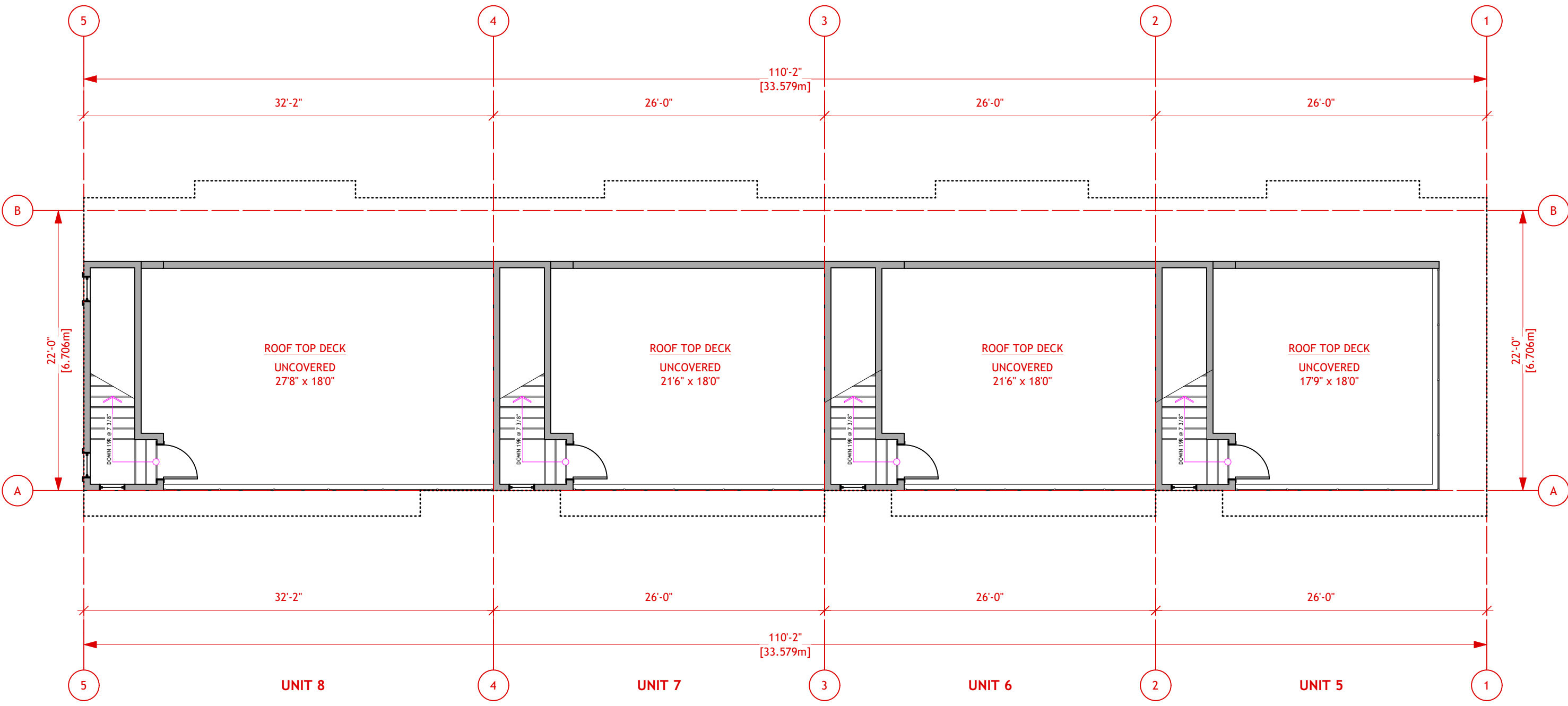
DATE: 15-Nov-23

SCALE: 1/8" = 1'-0"

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DP2.7

**SCHEDULE A**  
 This forms part of application  
 # DP23-0149  
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 DEVELOPMENT PLANNING





**WEST ELEVATION**

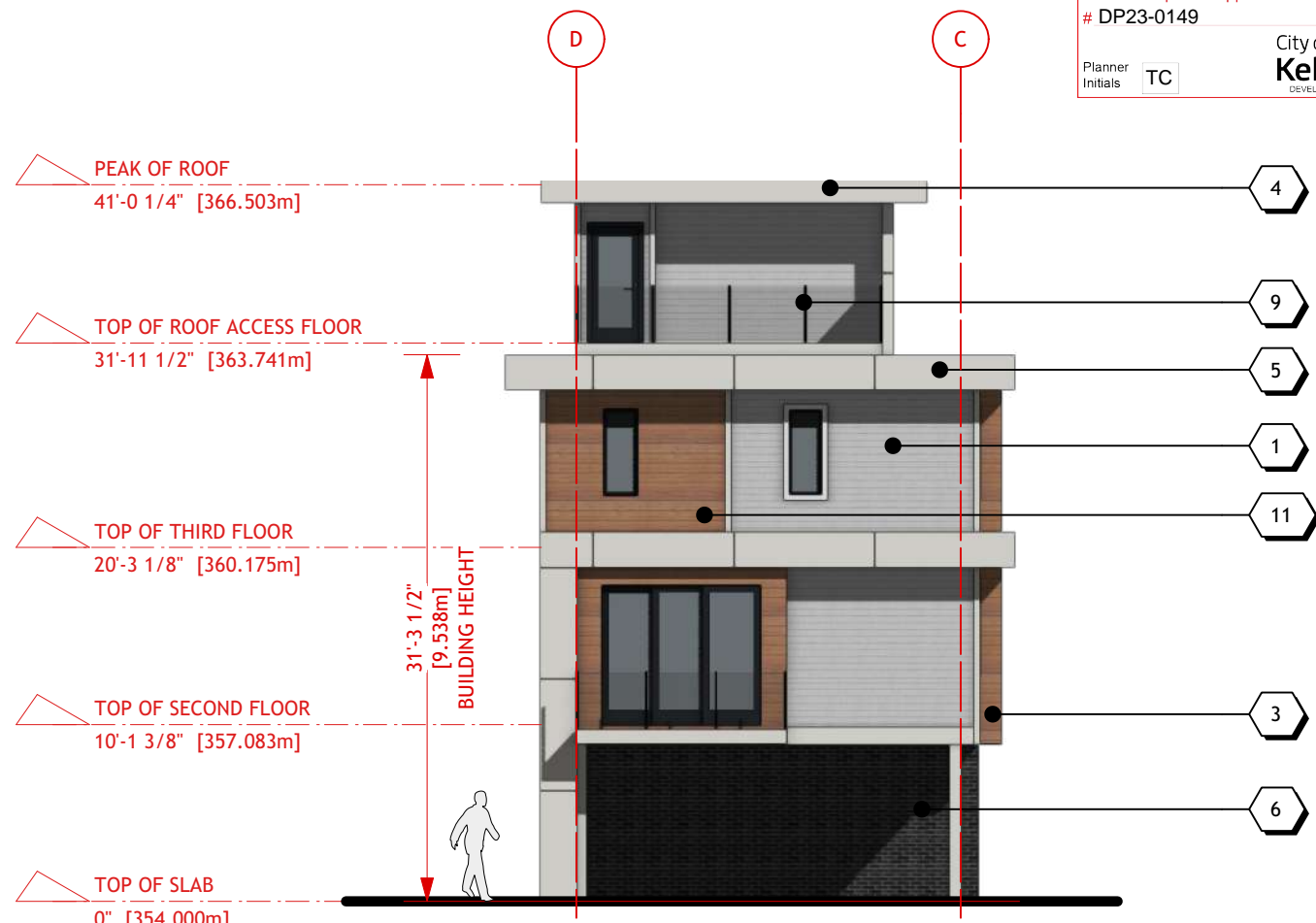
**EXTERIOR MATERIALS**

1. HORIZONTAL LAP SIDING - HARDIEBOARD LAP SIDING ARCTIC WHITE
2. FIBER CEMENT PANELS W/ EASYTRIM REVEALS - BENJAMIN MOORE HC-166 KENDALL CHARCOAL
3. HORIZONTAL STEEL SIDING - CASCADIA METAL WOOD GRAIN SERIES DURANGO
4. TRIM - SMARTBOARD BENJAMIN MOORE OC-152 SUPER WHITE
5. FIBER CEMENT PANELS W/ EASYTRIM REVEALS - BENJAMIN MOORE 2143-70 SIMPLY WHITE
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11. VINYL WINDOW FRAMES - BLACK (EXTERIOR)
12. VINYL DECKING - GREY WOOD GRAIN
12. ROOFING CAP SHEET - IKO COMMERCIAL CHARCOAL GREY

\*OR EQUIVALENT



**SCHEDULE B**  
 This forms part of application  
 # DP23-0149  
 City of Kelowna  
 DEVELOPMENT PLANNING  
 Planner Initials TC



**NORTH ELEVATION**



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**RESIDENTIAL DEVELOPMENT**

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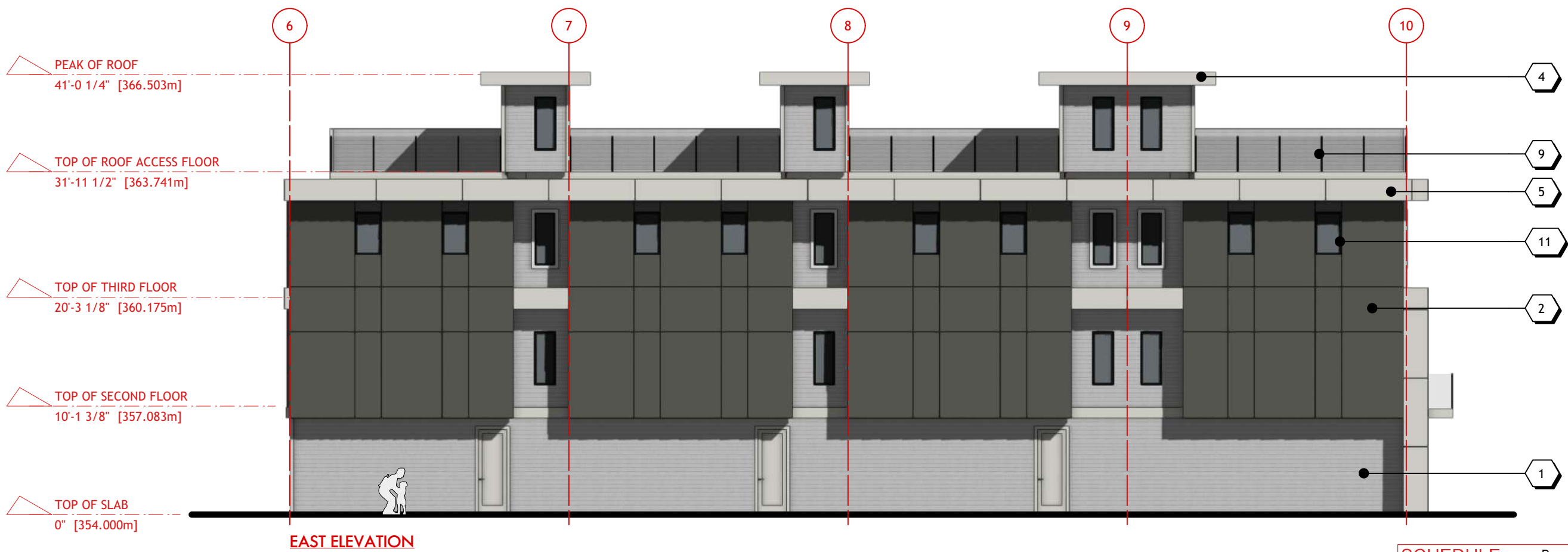
1463 INKAR ROAD  
 KELOWNA, BC V1Y 8J1  
 LOT 7 PLAN KAP28505

**EAST BUILDING ELEVATIONS**

DATE: 15-Nov-23

SCALE: 3/32" = 1'-0"  
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 DP3.0





**EAST ELEVATION**

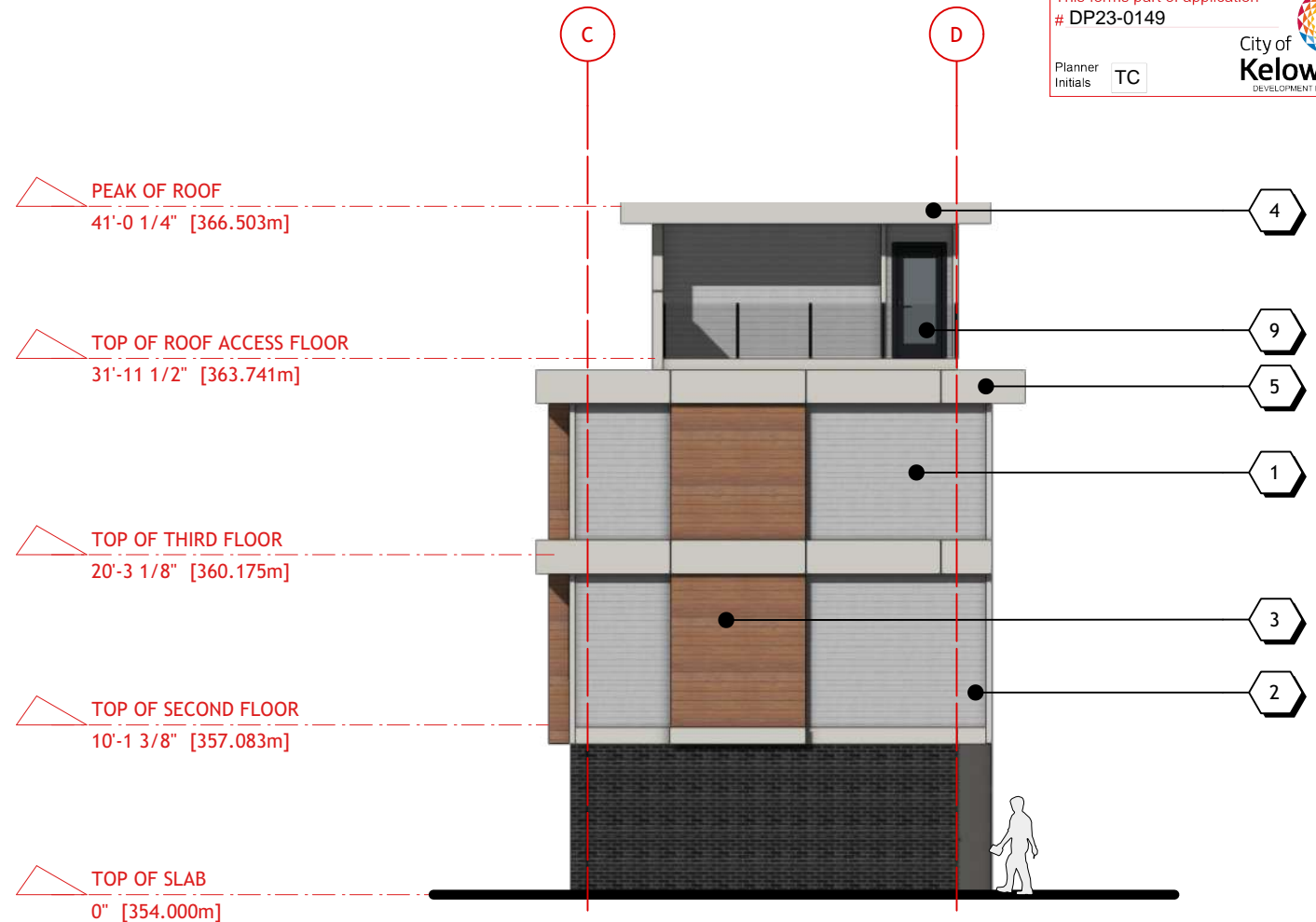
**EXTERIOR MATERIALS**

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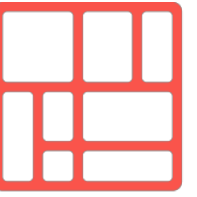
\*OR EQUIVALENT



**SCHEDULE B**  
 This forms part of application # DP23-0149  
 City of Kelowna DEVELOPMENT PLANNING  
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**SOUTH ELEVATION**



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**RESIDENTIAL DEVELOPMENT**

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 KELOWNA, BC V1Y 8J1  
 LOT 7 PLAN KAP28505

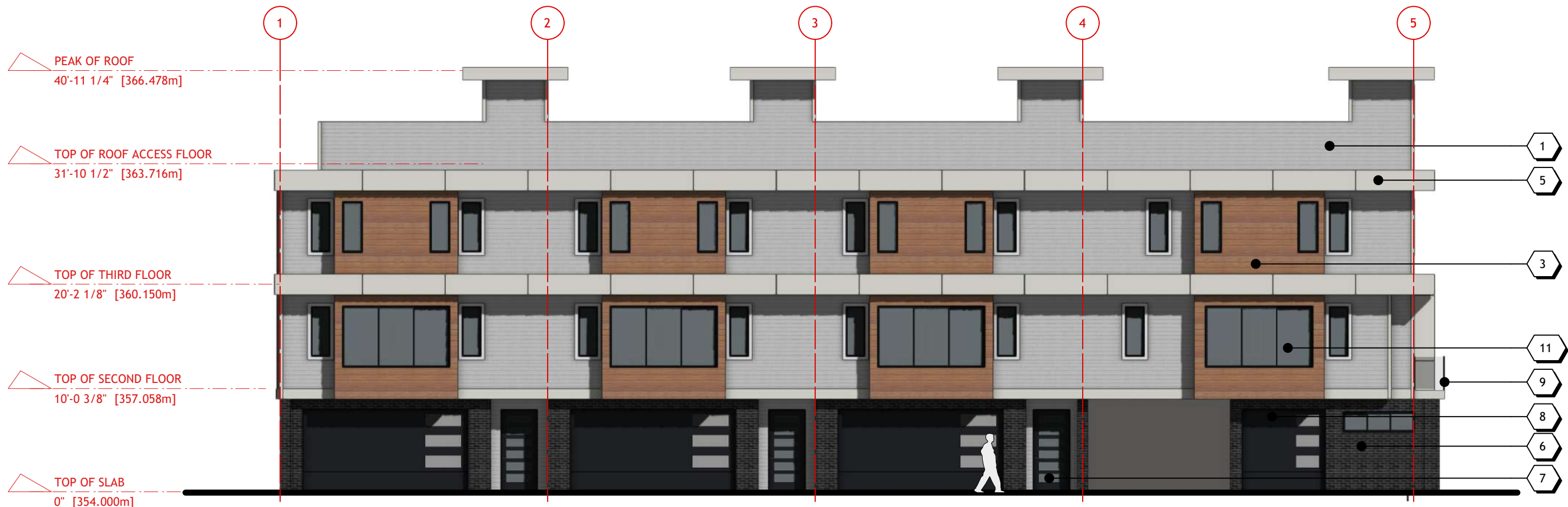
**EAST BUILDING ELEVATIONS**

DATE: 15-Nov-23

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DP3.1



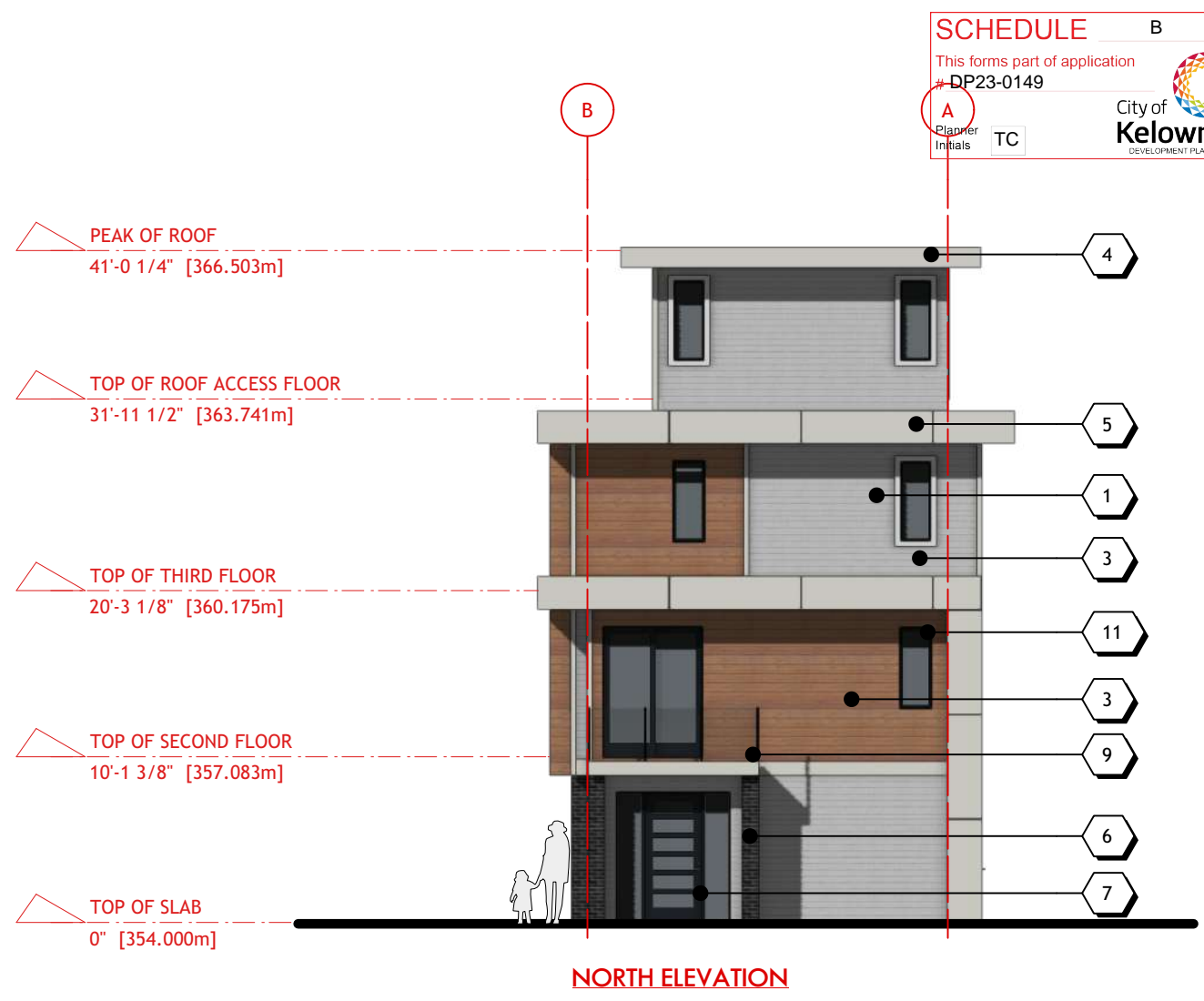


**EAST ELEVATION**

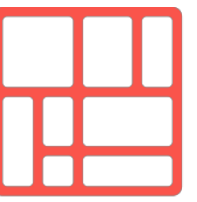
**EXTERIOR MATERIALS**

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**NORTH ELEVATION**



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**SCHEDULE B**  
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 City of Kelowna  
 DEVELOPMENT PLANNING  
 Planner Initials TC

**RESIDENTIAL DEVELOPMENT**  
 INKAR MULTIFAMILY

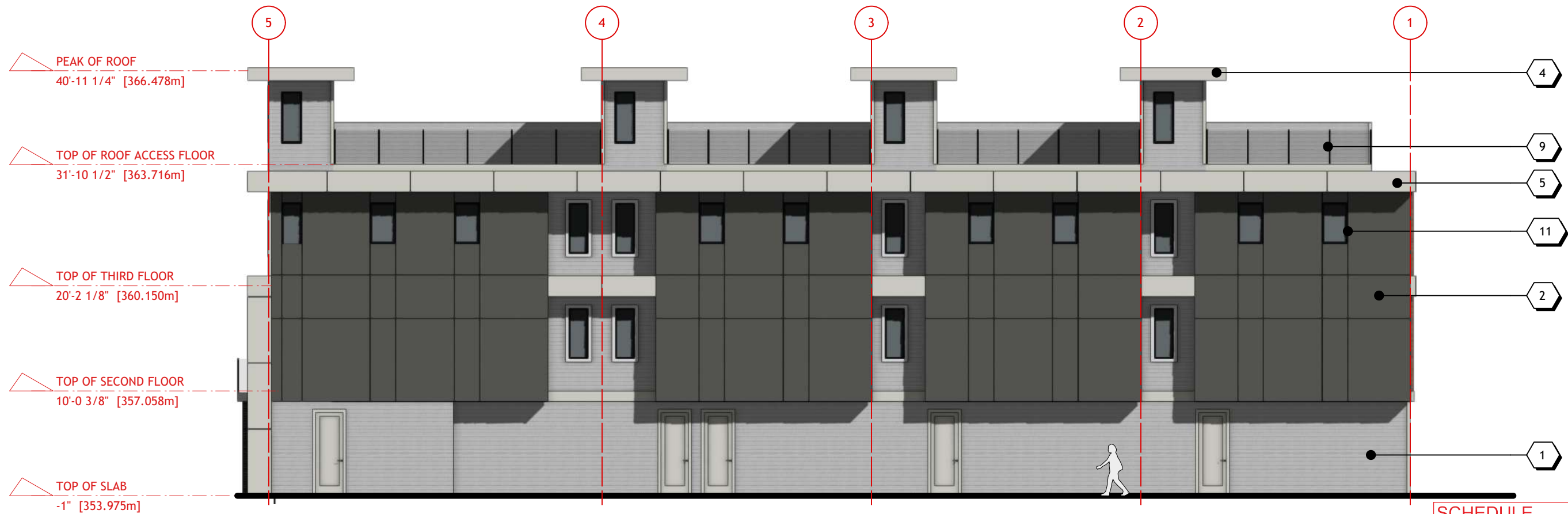


1463 INKAR ROAD  
 KELOWNA, BC V1Y 8J1  
 LOT 7 PLAN KAP28505

**WEST BUILDING ELEVATIONS**

DATE: 15-Nov-23

SCALE: 3/32" = 1'-0"  
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 143  
 DP3.2



**WEST ELEVATION**

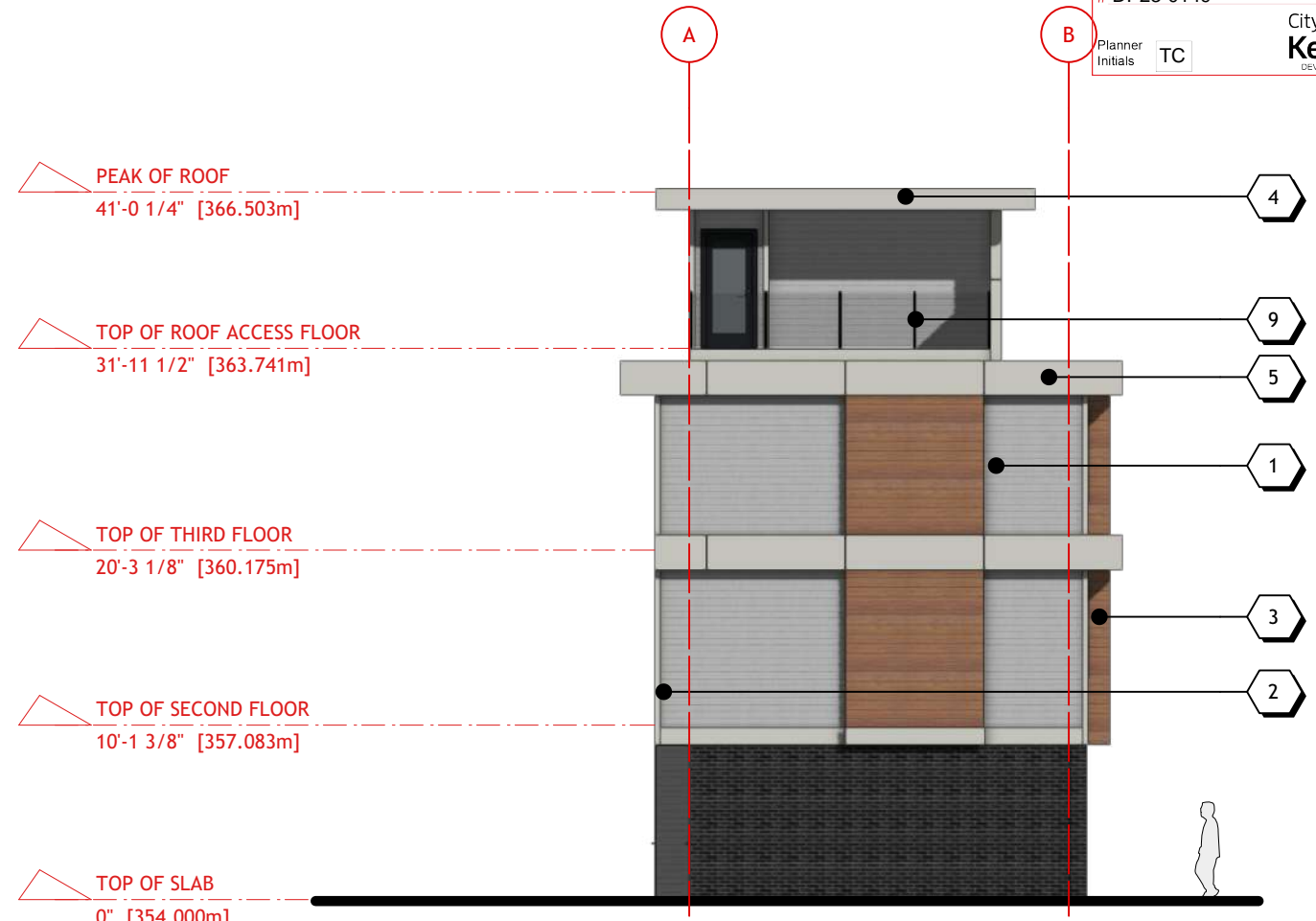
**EXTERIOR MATERIALS**

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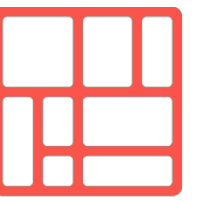
\*OR EQUIVALENT



**SCHEDULE B**  
 This forms part of application # DP23-0149  
 City of Kelowna DEVELOPMENT PLANNING  
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**SOUTH ELEVATION**



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**RESIDENTIAL DEVELOPMENT**  
 INKAR MULTIFAMILY



1463 INKAR ROAD  
 KELOWNA, BC V1Y 8J1  
 LOT 7 PLAN KAP28505

**WEST BUILDING ELEVATIONS**

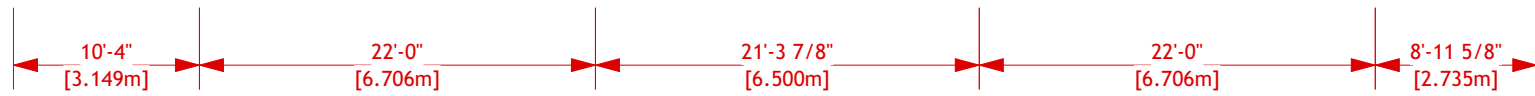
DATE: 15-Nov-23

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 ISSUED FOR: REVIEW ONLY  
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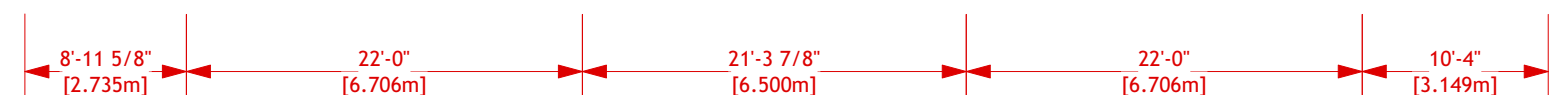




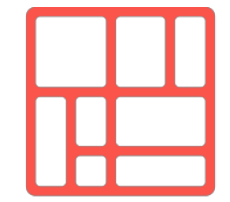
**NORTH ELEVATION**



**SOUTH ELEVATION**



**SCHEDULE B**  
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1463 INKAR ROAD  
 KELOWNA, BC V1Y 8J1  
 LOT 7 PLAN KAP28505

**COMPREHENSIVE NORTH AND SOUTH ELEVATIONS**

DATE: 15-Nov-23

SCALE: 3/32" = 1'-0"  
 ISSUED FOR: REVIEW ONLY

145  
**DP3.4**



IHS DESIGN

#202-1470 ST. PAUL ST.  
KELOWNA, BC  
250.212.7938  
info@ihdesign.ca



RESIDENTIAL DEVELOPMENT



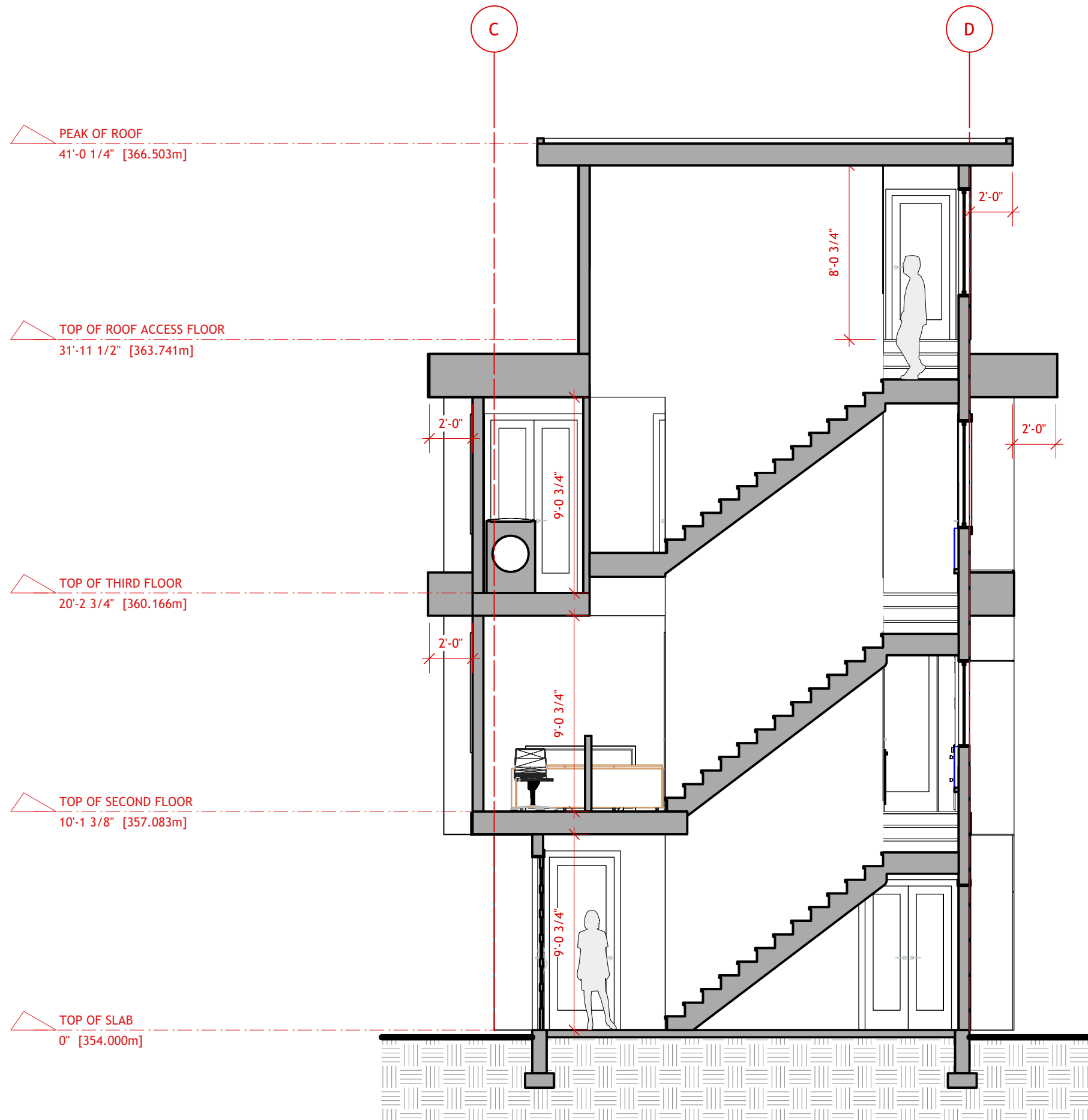
INKAR MULTIFAMILY

1463 INKAR ROAD  
KELOWNA, BC V1Y 8J1  
LOT 7 PLAN KAP28505

EAST BUILDING  
SECTION A (TYP.)

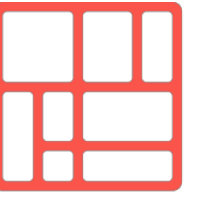
DATE: 15-Nov-23

SCALE: 3/16" = 1'-0"  
ISSUED FOR: REVIEW ONLY  
DP4.0



**SCHEDULE B**  
 This forms part of application  
 # DP23-0149  
 City of Kelowna  
 DEVELOPMENT PLANNING  
 Planner Initials TC





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info@ihdesign.ca



RESIDENTIAL DEVELOPMENT

INKAR MULTIFAMILY

1463 INKAR ROAD  
KELOWNA, BC V1Y 8J1  
LOT 7 PLAN KAP28505



EAST BUILDING  
SECTION B (TYP.)

DATE: 15-Nov-23

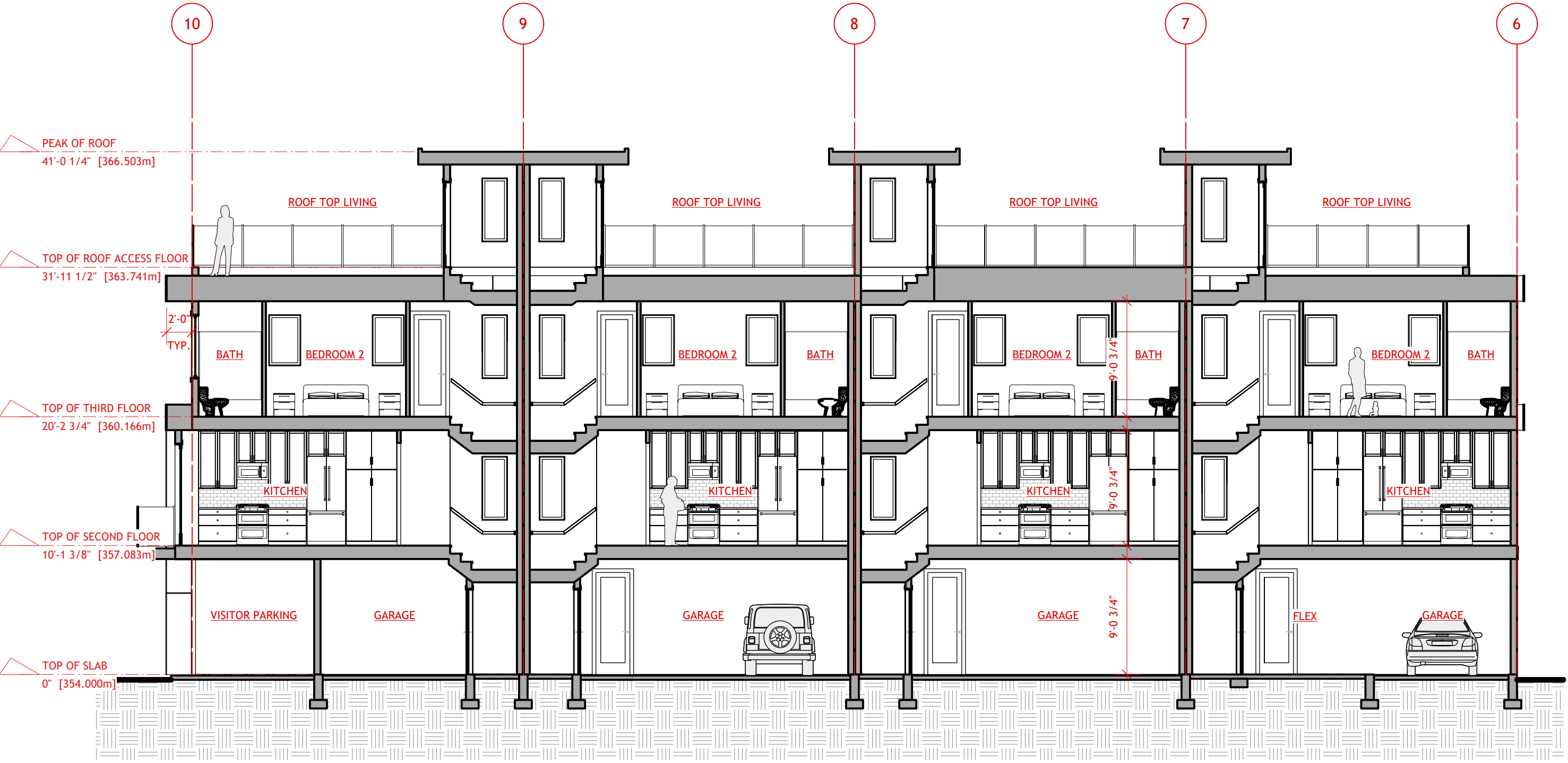
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DP4.1

**SCHEDULE B**

This forms part of application  
# DP23-0149

Planner Initials TC



PEAK OF ROOF  
41'-0 1/4" [366.503m]

TOP OF ROOF ACCESS FLOOR  
31'-11 1/2" [363.741m]

TOP OF THIRD FLOOR  
20'-2 3/4" [360.166m]

TOP OF SECOND FLOOR  
10'-1 3/8" [357.083m]

TOP OF SLAB  
0" [354.000m]

10

9

8

7

6

2'-0"  
TYP.

9'-0 3/4"  
9'-0 3/4"  
9'-0 3/4"

ROOF TOP LIVING

ROOF TOP LIVING

ROOF TOP LIVING

ROOF TOP LIVING

BATH

BEDROOM 2

BEDROOM 2

BATH

BEDROOM 2

BATH

BEDROOM 2

BATH

KITCHEN

KITCHEN

KITCHEN

KITCHEN

VISITOR PARKING

GARAGE

GARAGE

GARAGE

FLEX

GARAGE





**IHS DESIGN**  
 #202-1470 ST. PAUL ST.  
 KELOWNA, BC  
 250.212.7938  
 info@ihdesign.ca



**RESIDENTIAL DEVELOPMENT**



**INKAR MULTIFAMILY**  
 1463 INKAR ROAD  
 KELOWNA, BC V1Y 8J1  
 LOT 7 PLAN KAP28505

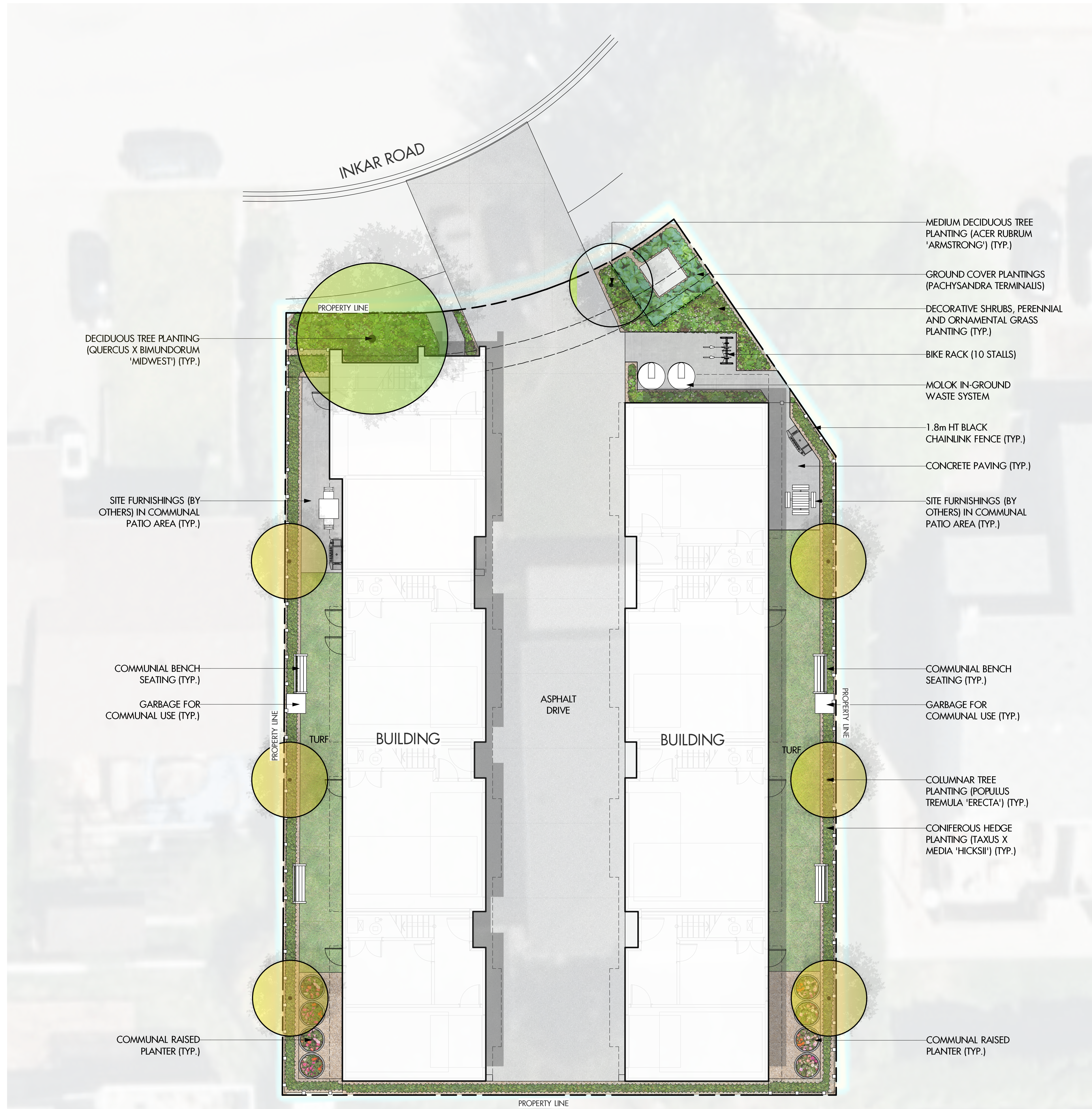
**RENDERINGS**

DATE: 15-Nov-23

SCALE: N/A  
 ISSUED FOR: REVIEW ONLY

**SCHEDULE B**  
 This forms part of application  
 # DP23-0149  
 City of Kelowna  
 DEVELOPMENT PLANNING  
 Planner Initials TC





BLACK CHAINLINK FENCE W/ HEDGE

**SCHEDULE C**

This forms part of application # DP23-0149

Planner Initials **TC**

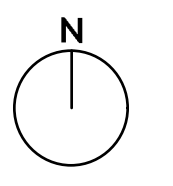
City of Kelowna DEVELOPMENT PLANNING

**NOTES**

1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED CANADIAN LANDSCAPE STANDARDS. ALL OFFSITE LANDSCAPE WORKS TO MEET CITY OF KELOWNA BYLAW 12375 STANDARDS.
2. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.
3. TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 75mm NATURAL WOOD MULCH AS SHOWN IN PLANS. DO NOT PLACE WEED MAT UNDERNEATH TREE AND SHRUB BEDS.
4. SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL PLACEMENT. TREE BEDS TO RECEIVE A MINIMUM 1000mm DEPTH TOPSOIL PLACEMENT.
5. TURF AREA FROM SOD SHALL BE NO 1 GRADE GROWN FROM CERTIFIED SEED OF IMPROVED CULTIVARS REGISTERED FOR SALE IN B.C. AND SHALL BE TOLERANT OF DROUGHT CONDITIONS. A MINIMUM OF 150mm DEPTH OF GROWING MEDIUM IS REQUIRED BENEATH TURF AREAS. TURF AREAS SHALL MEET EXISTING GRADES AND HARD SURFACES FLUSH.
6. SITE GRADING AND DRAINAGE WILL ENSURE THAT ALL STRUCTURES HAVE POSITIVE DRAINAGE AND THAT NO WATER OR LOOSE IMPEDIMENTS WILL BE DISCHARGED FROM THE LOT ONTO ADJACENT PUBLIC, COMMON, OR PRIVATE PROPERTIES.
7. FOR CONFORMANCE WITH DEVELOPMENT PERMIT LANDSCAPE REQUIREMENTS, THE PRIME CONTRACTOR AND/OR CONSULTANTS RESPONSIBLE FOR SITE SERVICING AND UTILITIES SHALL ENSURE THAT ALL BUILDING PERMIT SUBMITTALS ARE COORDINATED WITH LANDSCAPE ARCHITECTURAL SUBMITTALS.

**PLANT LIST**

BOTANICAL NAME	COMMON NAME	QTY*	SIZE/SPACING & REMARKS
<b>TREES</b>			
ACER RUBRUM 'ARMSTRONG'	ARMSTRONG RED MAPLE	1	5cm CAL
POPULUS TREMULA 'RECTA'	COLUMNAR SWEDISH ASPLEN	6	4cm CAL
QUERCUS X BIMUNDORUM 'MIDWEST'	PRAIRIE STATURE OAK	1	3cm CAL
<b>SHRUBS</b>			
BERBERIS THUNBERGII 'GENTRY'	ROYAL BURGUNDY BARBERRY	10	#02 CONT. /1.2M O.C. SPACING
PICEA ABIES 'LITTLE GEM'	LITTLE GEM NORWAY SPRUCE	5	#02 CONT. /1.0M O.C. SPACING
SPRAEA JAPONICA 'GOLDMOUND'	GOLDMOUND SPIREA	10	#02 CONT. /0.75M O.C. SPACING
TAXUS X MEDIA 'HICKSII'	HICK'S YEW	95	#02 CONT. /0.9M O.C. SPACING
<b>PERENNIALS &amp; GRASSES</b>			
CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER'	KARL FOERSTER FEATHER REED GRASS	7	#01 CONT. /1.0M O.C. SPACING
HOSTA 'STRIPTEASE'	STRIPTEASE HOSTA	9	#01 CONT. /0.9M O.C. SPACING
LAVANDULA ANGSTIFOLIA 'HIDCOTE'	HIDCOTE ENGLISH LAVENDER	13	#01 CONT. /0.75M O.C. SPACING
PACHYSANDRA TERMINALIS	CREeping SPURGE	10	#01 CONT. /0.75M O.C. SPACING
RUDBECKIA FLUGIDA 'GOLDSTURM'	GOLDSTURM CONEFLOWER	13	#01 CONT. /0.75M O.C. SPACING
SEDUM SPECTABILE 'AUTUMN FIRE'	AUTUMN FIRE STONECROP	13	#01 CONT. /0.75M O.C. SPACING



PROJECT TITLE  
**1463 INKAR ROAD**

KELOWNA, BC

DRAWING TITLE  
**CONCEPTUAL LANDSCAPE PLAN**

ISSUED FOR / REVISION

1	23.08.11	Review
2	23.08.14	Development Permit
3	23.11.01	Development Permit
4		
5		

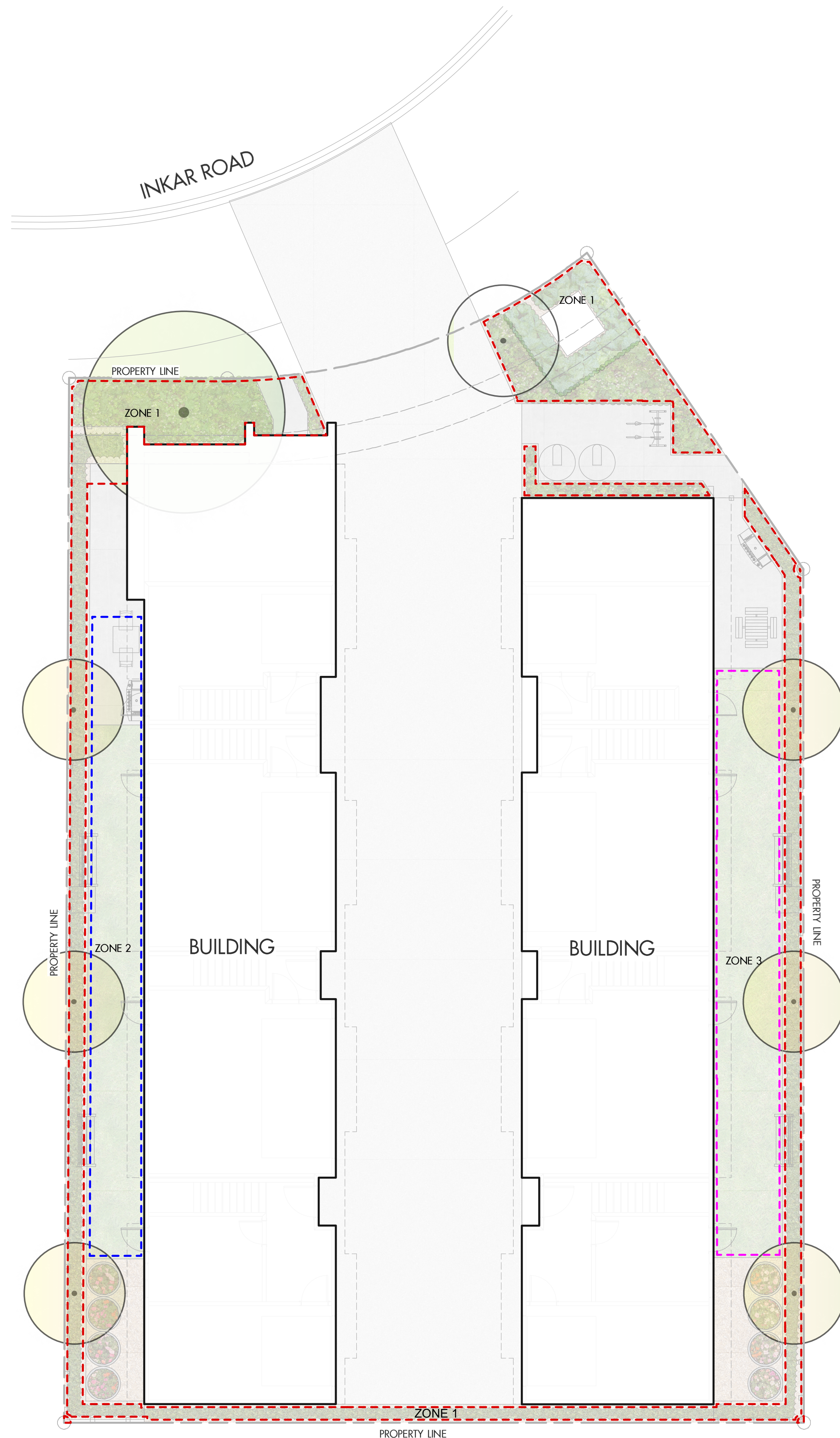
PROJECT NO: 23-0568  
 DESIGN BY: NM  
 DRAWN BY: AJ  
 CHECKED BY: FB  
 DATE: NOV. 1, 2023  
 SCALE: 1:100  
 PAGE SIZE: 24x36



DRAWING NUMBER  
**L1/2**

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**SCHEDULE C**

This forms part of application # DP23-0149

Planner Initials TC

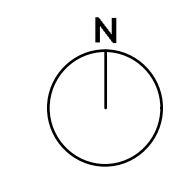
City of Kelowna DEVELOPMENT PLANNING

**WATER CONSERVATION CALCULATIONS**

LANDSCAPE MAXIMUM WATER BUDGET (WB) = 131 cu.m. / year  
 ESTIMATED LANDSCAPE WATER USE (WU) = 122 cu.m. / year  
 WATER BALANCE = 9 cu.m. / year  
 \*REFER ATTACHED IRRIGATION APPLICATION FOR DETAILED CALCULATIONS

- IRRIGATION NOTES**
1. IRRIGATION PRODUCTS AND INSTALLATION METHODS SHALL MEET OR EXCEED THE REQUIREMENTS OF THE WATER USE REGULATION BYLAW NO. 10480 AND THE SUPPLEMENTARY SPECIFICATIONS IN THE CITY OF KELOWNA BYLAW 7900 (PART 6, SCHEDULE 5).
  2. THE IRRIGATION SYSTEM SHALL MEET THE REQUIREMENTS, REGULATIONS, AND BYLAWS OF THE WATER PURVEYOR.
  3. THE IRRIGATION SYSTEM SHALL BE EQUIPPED WITH AN APPROVED BACKFLOW PREVENTION DEVICE, WATER METER, AND SHUT OFF VALVE LOCATED OUTSIDE THE BUILDING ACCESSIBLE TO THE CITY.
  4. AN APPROVED SMART CONTROLLER SHALL BE INSTALLED. THE IRRIGATION SCHEDULING TIMES SHALL UTILIZE A MAXIMUM ET VALUE OF 7" / MONTH (KELOWNA JULY ET), TAKING INTO CONSIDERATION SOIL TYPE, SLOPE, AND MICROCLIMATE.
  5. DRIP LINE AND EMITTERS SHALL INCORPORATE TECHNOLOGY TO LIMIT ROOT INTRUSION.
  6. IRRIGATION SLEEVES SHALL BE INSTALLED TO ROUTE IRRIGATION LINES UNDER HARD SURFACES AND FEATURES.
  7. IRRIGATION PIPE SHALL BE SIZED TO ALLOW FOR A MAXIMUM FLOW OF 1.5m /SEC.
  8. A FLOW SENSOR AND MASTER VALVE SHALL BE CONNECTED TO THE CONTROLLER AND PROGRAMMED TO STOP FLOW TO THE SYSTEM IN CASE OF AN IRRIGATION WATER LEAK.

- IRRIGATION LEGEND**
- ZONE #1: HIGH EFFICIENCY SUBSURFACE DRIP IRRIGATION FOR MODERATE WATER USE PLANTING AREAS  
 TOTAL AREA: 123 sq.m.  
 MICROCLIMATE: EAST EXPOSURE, PARTIALLY SHADED BY BUILDING  
 ESTIMATED ANNUAL WATER USE: 17 cu.m.
  - ZONE #2: LOW VOLUME POP-UP SPRAYHEADS FOR TURF AREAS  
 TOTAL AREA: 44 sq.m.  
 MICROCLIMATE: EAST EXPOSURE, PARTIALLY SHADED BY TREES  
 ESTIMATED ANNUAL WATER USE: 46 cu.m.
  - ZONE #3: LOW VOLUME POP-UP SPRAYHEADS FOR TURF AREAS  
 TOTAL AREA: 50 sq.m.  
 MICROCLIMATE: SOUTHWEST EXPOSURE, PARTIALLY SHADED BY TREES  
 ESTIMATED ANNUAL WATER USE: 53 cu.m.



PROJECT TITLE  
**1463 INKAR ROAD**

KELOWNA, BC

DRAWING TITLE  
**WATER CONSERVATION/  
 IRRIGATION PLAN**

ISSUED FOR / REVISION

1	23.08.11	Review
2	23.08.14	Development Permit
3	23.11.01	Development Permit
4		
5		

PROJECT NO: 230568

DESIGN BY	NM
DRAWN BY	AJ
CHECKED BY	FB
DATE	NOV. 1, 2023
SCALE	1:100
PAGE SIZE	24x36

SEAL



DRAWING NUMBER

**L2/2**

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Consideration has been given to the following guidelines as identified in Chapter 18 of the City of Kelowna 2040 Official Community Plan:

SECTION 4.0: TOWNHOUSES & INFILL						
RATE PROPOSALS COMPLIANCE TO PERTINENT GUIDELINE <i>(1 is least complying &amp; 5 is highly complying)</i>	N/A	1	2	3	4	5
<b>3.1 Townhouses &amp; Infill</b>						
<b>3.1.1 Relationship to the Street</b>						
a. Design primary unit entrances to provide: <ul style="list-style-type: none"> <li>A clearly visible front door directly accessible from a public street or publicly accessible pathway via a walkway, porch and/or stoop;</li> <li>Architectural entrance features such as stoops, porches, shared landings, patios, recessed entries, and canopies;</li> <li>A sense of transition from the public to the private realm by utilizing strategies such as changes in grade, decorative railings, and planters; and</li> <li>Punctuation, articulation, and rhythm along the street</li> </ul>						✓
b. A maximum 1.2 m height (e.g. 5-6 steps) is desired for front entryways or stoops. Exceptions can be made in cases where the water table requires this to be higher.						✓
c. For buildings oriented perpendicularly to the street (e.g. shotgun townhomes), ensure that the end unit facing the street is a custom street-oriented unit with primary entry directly accessible from the fronting street and primary living space at grade.						✓
<b>3.1.2 Scale and Massing</b>						
a. Wherever possible, reflect the positive attributes of adjacent housing while integrating new higher density forms of housing as envisioned in the OCP.					✓	
b. Scale and site buildings to establish consistent rhythm along the street by, for example, articulating individual units through integration of recessed entries, balconies, a change in materials and slight projection/recess in the façade.					✓	
c. Limit the number of connected townhouse units to a maximum of 6 units before splitting into multiple buildings. <ul style="list-style-type: none"> <li>In larger townhouse developments (e.g., master planned communities with internal circulation pattern), integrate a large proportion of 4 unit townhouse buildings to create a finer gran of development and limit visual impacts.</li> </ul>						✓
<b>3.1.3 Site Planning</b>						
a. Gated or walled communities are not supported.						✓
b. For large townhouse projects, consider including communal amenity buildings.	✓					
<b>Connectivity</b>						
c. Provide pedestrian pathways on site to connect: <ul style="list-style-type: none"> <li>Main building entrances to public sidewalks and open spaces;</li> <li>Visitor parking areas to building entrances;</li> </ul>					✓	

<ul style="list-style-type: none"> <li>From the site to adjacent pedestrian/trail/cycling networks (where applicable).</li> </ul>						
d. When pedestrian connections are provided on site, frame them with an active edge – with entrances and windows facing the path or lane.					✓	
e. For large townhouse projects (e.g. master planned communities with internal circulation pattern): <ul style="list-style-type: none"> <li>Design the internal circulation pattern to be integrated with and connected t the existing and planned public street network.</li> </ul>	✓					
<b>Facing Distances and Setbacks</b>						
f. Locate and design buildings to maintain access to sunlight, and reduce overlook between buildings and neighbouring properties.					✓	
g. Separate facing buildings on site a minimum of 10 – 12 m to provide ample spatial separation and access to sunlight.				✓		
h. Limit building element projections, such as balconies, into setback areas, streets, and amenity areas to protect solar access.					✓	
i. Front yard setbacks on internal roads should respond to the height of townhouses, with taller townhouses (e.g. 3 storeys) having greater setbacks to improve liveability and solar access.					✓	
<b>3.1.4 Open Spaces</b>						
a. Design all units to have easy access to useable private or semi-private outdoor amenity space.						✓
b. Design front yards to include a path from the fronting street to the primary entry, landscaping, and semi-private outdoor amenity space.						✓
c. Avoid a 'rear yard' condition with undeveloped frontages along streets and open spaces.					✓	
d. Design private outdoor amenity spaces to: <ul style="list-style-type: none"> <li>Have access to sunlight;</li> <li>Have railing and/or fencing to help increase privacy; and</li> <li>Have landscaped areas to soften the interface with the street or open spaces/</li> </ul>						✓
e. Design front patios to: <ul style="list-style-type: none"> <li>Provide an entrance to the unit; and</li> <li>Be raised a minimum of 0.6 m and a maximum of 1.2 m to create a semi-private transition zone.</li> </ul>					✓	
f. Design rooftop patios to: <ul style="list-style-type: none"> <li>Have parapets with railings;</li> <li>Minimize direct sight lines into nearby units; and</li> <li>Have access away from primary facades.</li> </ul>						✓
g. Design balconies to be inset or partially inset to offer privacy and shelter, reduce building bulk, and minimize shadowing. <ul style="list-style-type: none"> <li>Consider using balcony strategies to reduce the significant potential for heat loss through thermal bridge connections which could impact energy performance.</li> </ul>					✓	
h. Provide a minimum of 10% of the total site area to common outdoor amenity spaces that:						✓

<ul style="list-style-type: none"> <li>Incorporate landscaping, seating, play space, and other elements that encourage gathering or recreation; and</li> <li>Avoid isolated, irregularly shaped areas or areas impacted by parking, mechanical equipment, or servicing areas.</li> </ul>						
i. For large townhouse projects, provide generous shared outdoor amenity spaces integrating play spaces, gardening, storm water and other ecological features, pedestrian circulation, communal amenity buildings, and other communal uses.	✓					
j. Design internal roadways to serve as additional shared space (e.g. vehicle access, pedestrian access, open space) using strategies such as: <ul style="list-style-type: none"> <li>High quality pavement materials (e.g. permeable pavers); and</li> <li>Providing useable spaces for sitting, gathering and playing.</li> </ul>				✓		
<b>3.1.5 Site Servicing, Access, and Parking</b>	<b>N/A</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
a. Provide landscaping in strategic locations throughout to frame building entrances, soften edges, screen parking garages, and break up long facades.					✓	
<b>Site Servicing</b>						
b. Exceptions for locating waste collection out of public view can be made for well-designed waste collection systems such as Molok bins.						✓
<b>Parking</b>						
c. Centralized parking areas that eliminate the need to integrate parking into individual units are supported.	✓					
d. Front garages and driveway parking are acceptable in townhouses facing internal strata roads, with the following considerations: <ul style="list-style-type: none"> <li>Architecturally integrate the parking into the building and provide weather protection to building entries; and</li> <li>Design garage doors to limit visual impact, using strategies such as recessing the garage from the rest of the façade.</li> </ul>				✓		
e. Provide visitor parking in accessible locations throughout the site and provide pedestrian connections from visitor parking to townhouse units. Acceptable locations include: <ul style="list-style-type: none"> <li>Distributed through the site adjacent to townhouse blocks; and</li> <li>Centralized parking, including integration with shared outdoor amenity space</li> </ul>					✓	
<b>Access</b>						
f. Ensure that internal circulation for vehicles is designed to accommodate necessary turning radii and provides for logical and safe access and egress.					✓	
g. For large townhouse projects (e.g. master planned communities with internal circulation pattern), a minimum of two access/egress points to the site is desired.	✓					
h. Locate access points to minimize impacts of headlights on building interiors.						✓

i. Design the internal circulation pattern and pedestrian open space network to be integrated with and connected to the existing and planned public street and open space network.					✓	
<b>3.1.6 Building Articulation, Features, and Materials</b>	<b>N/A</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
a. Design facades to articulate the individual units while reflecting positive attributes of neighbourhood character. Strategies for achieving this include: <ul style="list-style-type: none"> <li>• Recessing or projecting facades to highlight the identity of individual units; and</li> <li>• Using entrance features, roofline features, or other architectural elements.</li> </ul>					✓	
b. To maximize integration with the existing neighbourhood, design infill townhouses to: <ul style="list-style-type: none"> <li>• Incorporate design elements, proportions, and other characteristics found within the neighbourhood; and</li> <li>• Use durable, quality materials similar or complementary to those found within the neighbourhood.</li> </ul>					✓	
c. Maintain privacy of units on site and on adjacent properties by minimizing overlook and direct sight lines from the building using strategies such as: <ul style="list-style-type: none"> <li>• Off-setting the location of windows in facing walls and locating doors and patios to minimize privacy concerns from direct sight lines;</li> <li>• Use of clerestory windows;</li> <li>• Use of landscaping or screening; and</li> <li>• Use of setbacks and articulation of the building.</li> </ul>					✓	
d. In larger townhouse developments (e.g. master planned communities with internal circulation pattern), provide modest variation between different blocks of townhouse units, such as change in colour, materiality, building, and roof form.	✓					

**ATTACHMENT B**  
This forms part of application  
# DP23-0149

Planner Initials TC



City of Kelowna  
DEVELOPMENT PLANNING





City of  
Kelowna

DP23-0149  
1463 Inkar Road

Development Permit



# Purpose

- ▶ To issue a Development Permit for the form and character of an 8-unit townhouse development.

# Development Process



Aug 24, 2023

Development Application Submitted



Staff Review & Circulation



Development Permit



Council Approvals



Nov 27, 2023

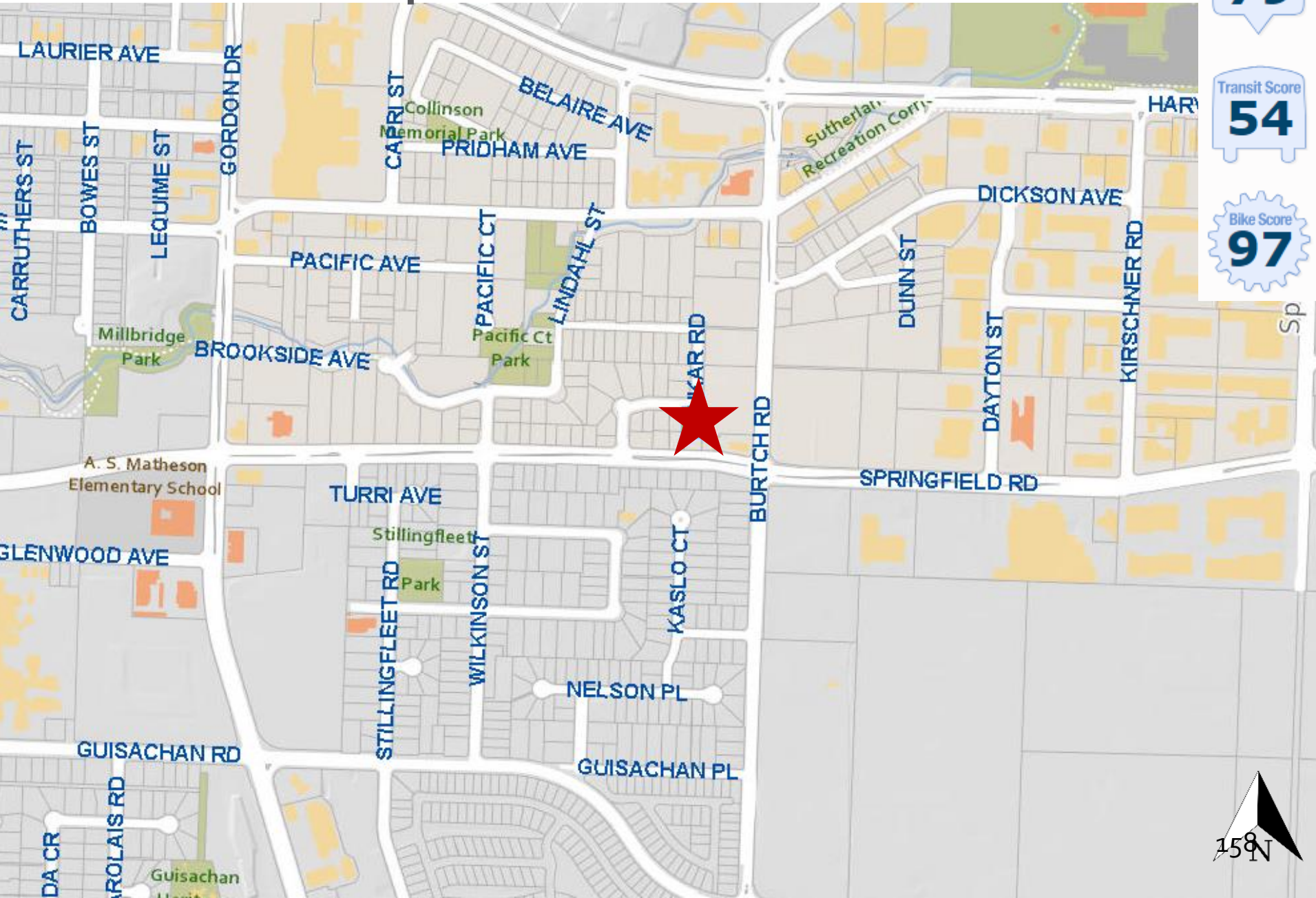
Building Permit

# Context Map

Walk Score  
**79**

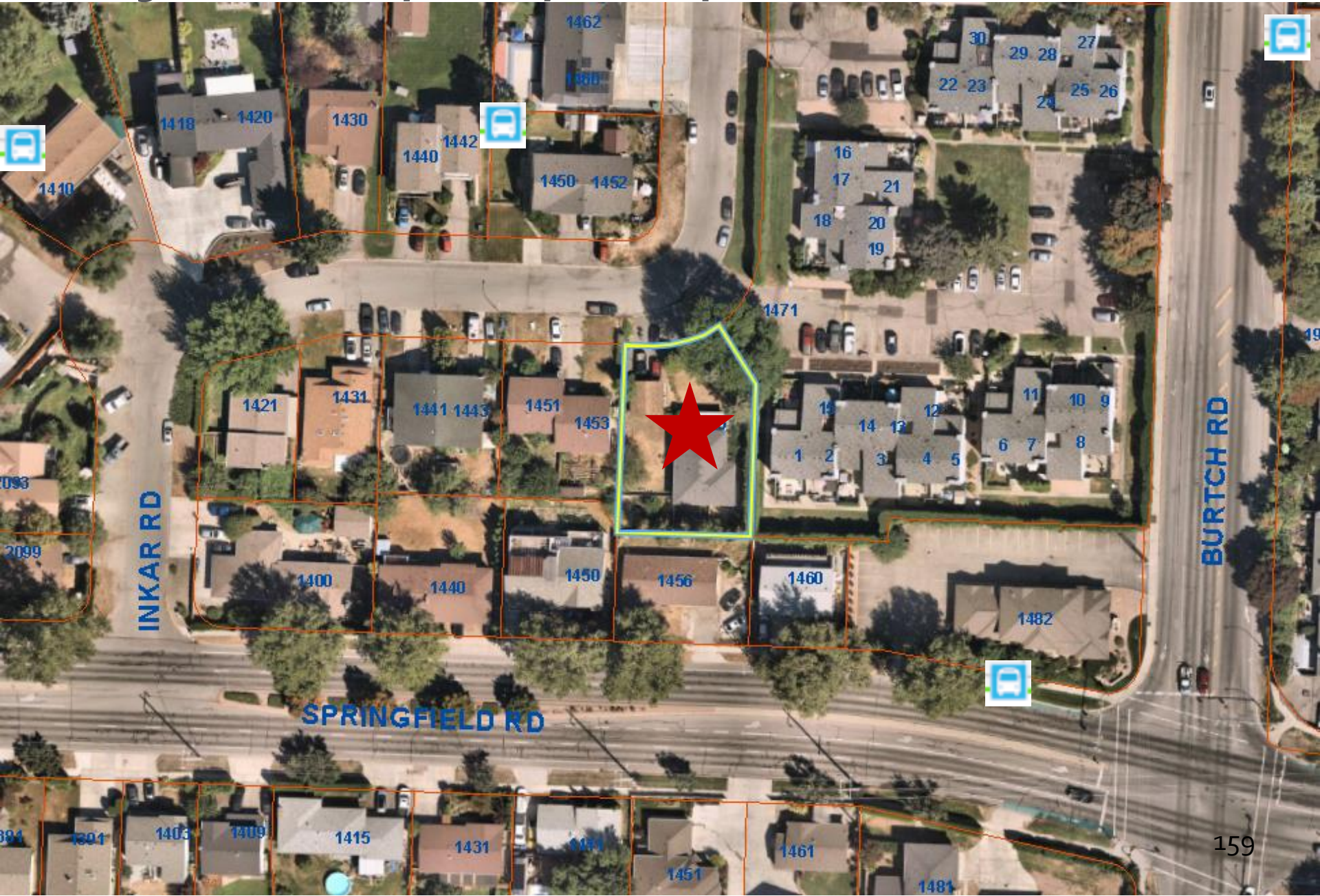
Transit Score  
**54**

Bike Score  
**97**





# Subject Property Map



INKARR RD

SPRINGFIELD RD

BURTCH RD



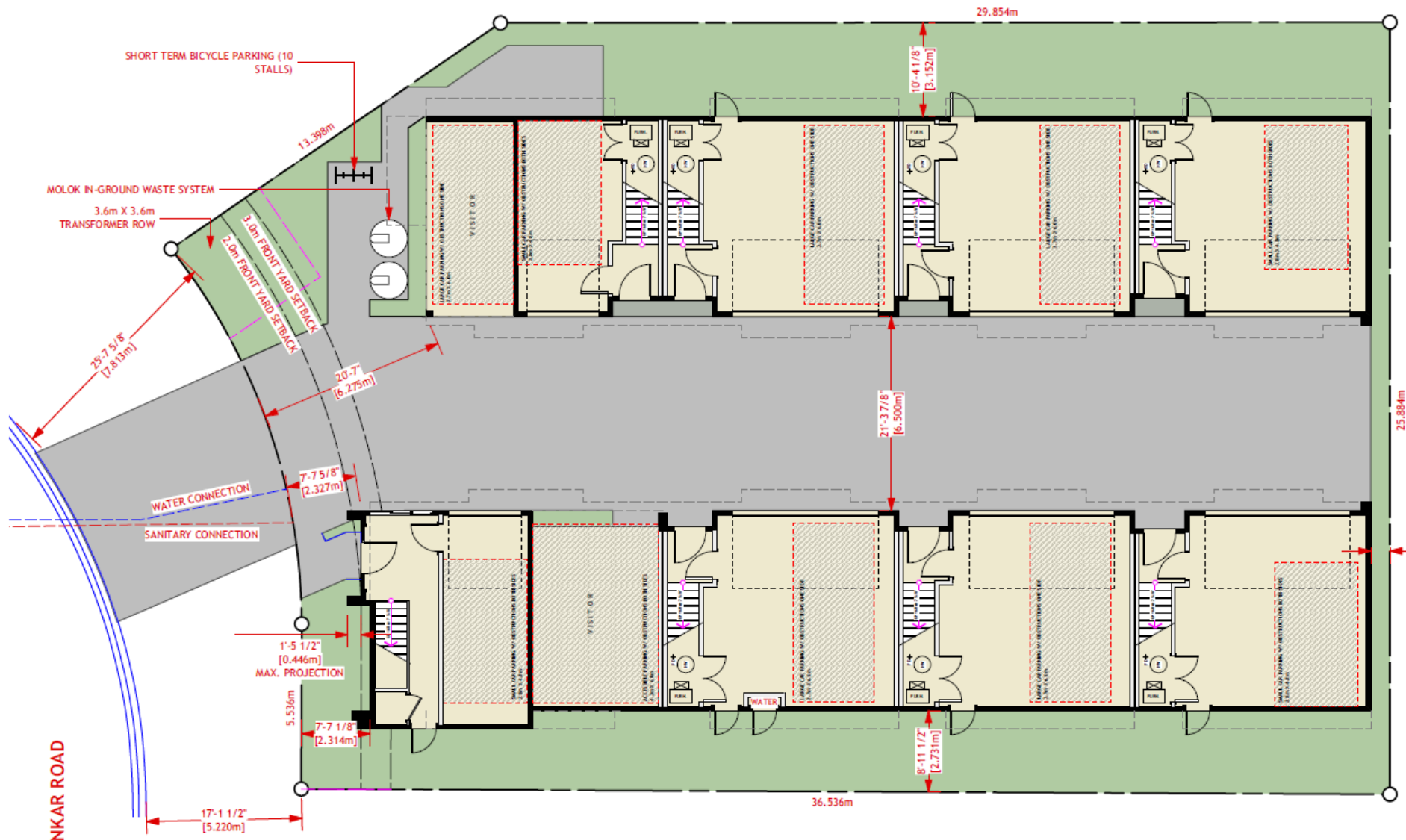
# Site Photos



# Technical Details

- ▶ Development Permit for a three-storey townhouse development.
  - ▶ 8 units in total
    - ▶ 8 2-bedroom units
  - ▶ 10 parking spaces
    - ▶ 8 residential parking spaces
    - ▶ 2 visitor stalls

# Site Plan



Springfield Rd



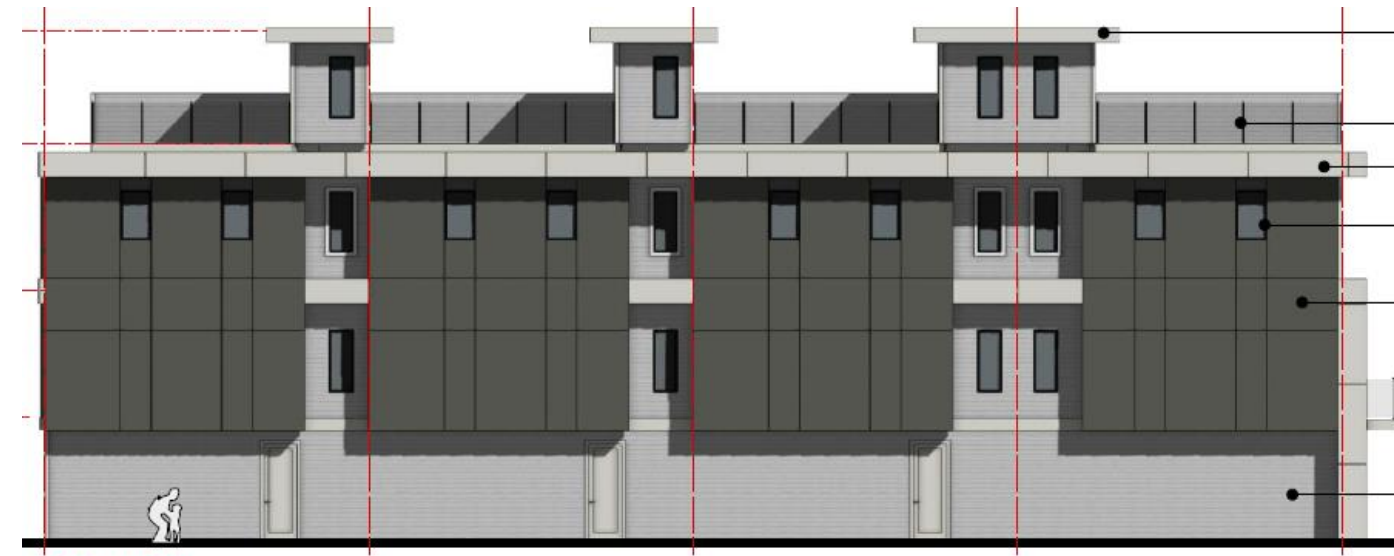
# East Building Elevation



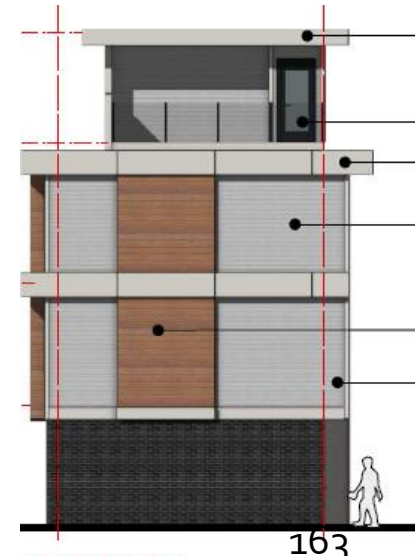
WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION

# West Building Elevation



EAST ELEVATION



SOUTH ELEVATION

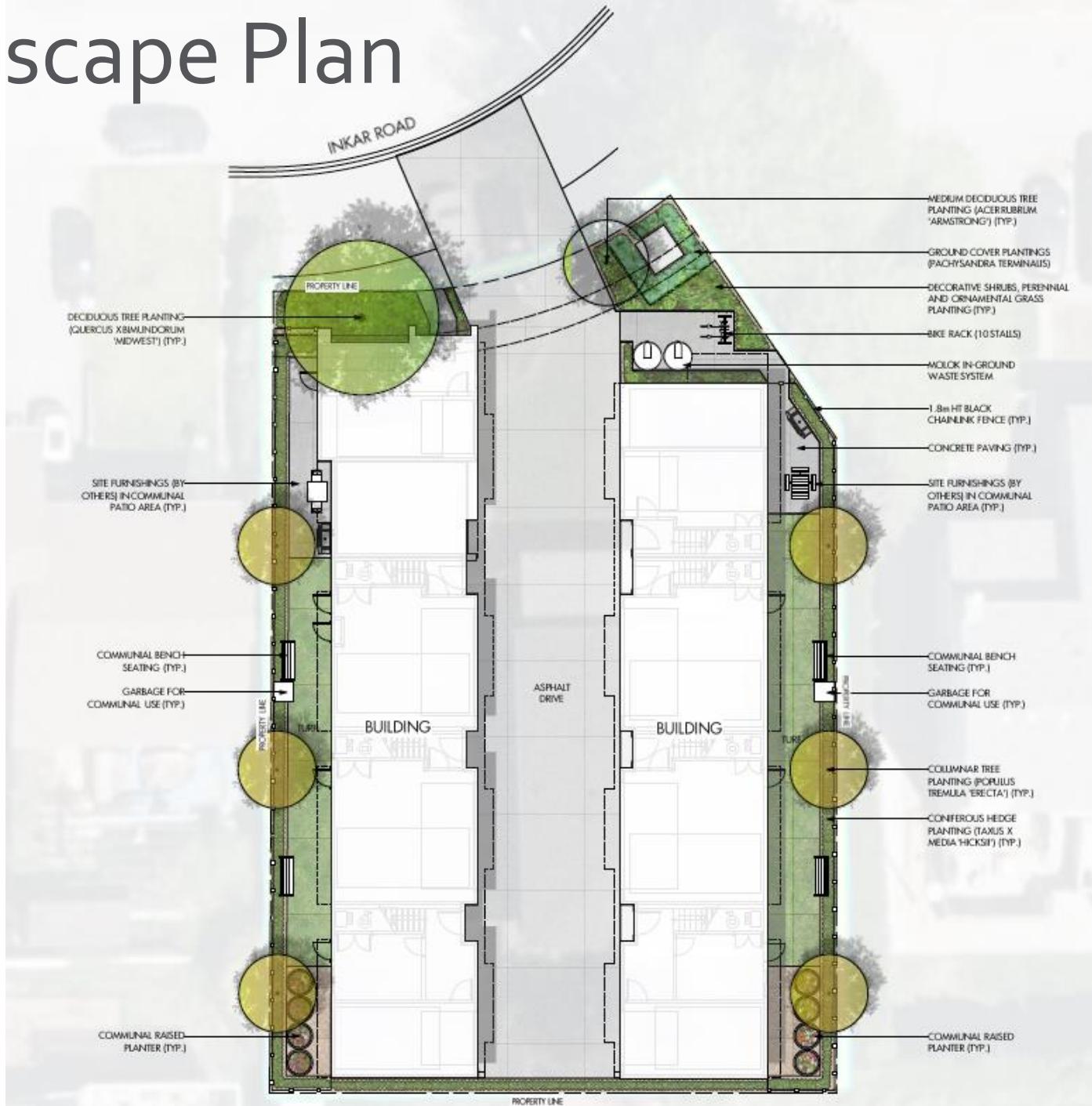


WEST ELEVATION



NORTH ELEVATION

# Landscape Plan





# Rendering – North





# Rendering – North



# OCP Design Guidelines

- ▶ Providing a main-entrance and ground-oriented unit facing Inkar Road;
- ▶ Minor increase in scale and massing into existing neighbourhood;
- ▶ Providing both private and common amenity spaces throughout the site;

# Staff Recommendation

- ▶ Staff recommend **support** for the proposed development permit as it:
  - ▶ Meets majority of OCP Design Guidelines
  - ▶ Strong form and character
  - ▶ Provides density into the Urban Centre

# CITY OF KELOWNA

## BYLAW NO. 12573 Z23-0033 1691 Cara Glen Way

---

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of portions of Lot 20 Section 32 Township 26 ODYD Plan KAP60008 Except Plans KAP77707, KAP87078 and KAP91641 located on Cara Glen Way, Kelowna, BC from the RR1 – Large Lot Rural Residential zone to the MF2 – Townhouse Housing zone as shown on Map "A" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 14<sup>th</sup> day of August, 2023.

Considered at a Public Hearing on the 17<sup>th</sup> day of October, 2023.

Read a second and third time by the Municipal Council this 17<sup>th</sup> day of October, 2023.

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk





1691

Cara Glen Way

Caramillo Ct

Spruceglan Dr

San Cabrio Ct

Lipsett Ct

ello Rd

Caro Rd

Spruce

### MAP "A" ZONING AMENDMENT Z23-0033

-  Subject Property
-  RR1 - Large Lot Rural Residential to MF2 - Townhouse Housing

This map is for general information only.  
The City of Kelowna does not guarantee its  
accuracy. All information should be verified.



Rev. Wednesday, June 28, 2023



# CITY OF KELOWNA

## BYLAW NO. 12574 TA23-0008 1691 Cara Glen Way

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

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

1. THAT City of Kelowna Zoning Bylaw No. 12375, **Section 13 – Multi-Dwelling Zones, Section 13.7 – Site Specific Regulations** be amended by adding in its appropriate location the following:

“

	Legal Description	Civic Address	Regulation
6.	Lot 20 Section 22 Township 26 ODYD Plan KAP60008 Except Plans KAP77707, KAP87078 and KAP91641	1691 Cara Glen Way	The MF2 – Townhouse Housing portion of this property is permitted to have Apartment housing limited to 4 storeys.

”

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 14<sup>th</sup> day of August, 2023.

Considered at a Public Hearing on this 17<sup>th</sup> day of October, 2023.

Read a second and third time by the Municipal Council this 17<sup>th</sup> day of October, 2023.

Adopted by the Municipal Council of the City of Kelowna this

\_\_\_\_\_  
Mayor

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

# Report to Council



**Date:** November 27, 2023  
**To:** Council  
**From:** Matt Friesen, Controller Financial Services  
**Subject:** Third Quarter 2023 Financial Performance  
**Department:** Financial Services

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**Recommendation:**

THAT Council receives, for information, the Third Quarter 2023 Financial Performance Report and Financial Health Dashboard from the Financial Services Controller as a continued approach of presenting timely and relevant financial information.

**Purpose:**

To provide Council with information summarizing the City of Kelowna’s third quarter financial activity in alignment with the format outlined in the February 13, 2023 report to Council on the 2023 Financial Health Dashboard

**Background:**

2023 Financial Health Dashboard

The 2023 Financial Health Dashboard report brought to Council February 13, 2023 resulted in direction from Council to staff to report quarterly on activity performance measures. The measures of the City’s financial performance are in comparison to Council approved budgets.

**Discussion:**

The Financial Services Department is committed to continuous improvement. As we navigate economic changes and a new macro environment, staff provide regular performance reporting throughout the year to improve governance and financial oversight.

This reports presents:

1. key annual financial health indicators and compares to benchmarks as well as other municipalities throughout the province, specifically those with populations over 100K as well as

within the Okanagan. The comparative data is provided by the province and is updated to 2022. The ratios presented for Kelowna are also from 2022.

2. the City's 2023 activity performance up to the end of the third quarter (September 30<sup>th</sup>).
3. the City's divisional budget activity as at the end of the third quarter.

### Financial Health indicators

The following table provide a description of each indicator:

<b>Financial Flexibility Ratios:</b> Measure the degree to which a Municipality can change its financial structure while still meeting its existing financial obligations in the short term.	
Debt Service to Total Revenue	Measures the percentage of current revenues required to service debt incurred to fund past expenditures and the capacity for the City to incur additional debt.
Own Source Revenue to Total Revenue	Measures the extent to which own source revenues make up total revenues. This is a gauge for how much flexibility the City has to deal with changing revenue sources.
Government Transfers to Total Revenue	Measures grant funding to total revenue. This metric can indicate a consistent level of grant funding and help guard against a dependence on these funds

<b>Financial Sustainability Ratios:</b> Measures the ability of a Municipality to meet its existing financial obligations and maintain operations and services over the long term	
Financial Assets to Liabilities	Measures liquidity and the City's ability to meet financial obligations.
Financial Assets to Total Revenues	Measures cash that can be used to fund current and future expenditures.
Total Accumulated Surplus and reserves to Total Expenses	Measures reserve balances as a percent of operating expenses. Reserves are monies set aside for planned future needs, to smooth expenses, or for unexpected costs. This metric indicates the amount of funds available that could be used to fund City operations.



<b>Competitiveness Ratios:</b> Measures how well a Municipality fares financially on a per capita basis relative to similar municipalities and to the region.	
Tax Burden Per Capita	Measures property taxation revenue collected per City of Kelowna citizen.
Debt Level Per Capita	Measures how much debt the City of Kelowna has per citizen.
Annual Surplus Per Capita	Measures the City's annual surplus per citizen. This metric indicates opportunity to add service capacity within existing taxation levels.

The following are the 2022 results and comparisons:

<b>Financial Flexibility</b>				
		Comparators		
	<u>Kelowna</u>	<u>Benchmark</u>	<u>Population &gt; 100K</u>	<u>Okanagan</u>
Debt service ratio	3%	< 5%	1%	3%
Own Source Revenue	38%	> 40%	30%	34%
Gov. Transfers Ratio	9%	< 10%	4%	12%

<b>Financial Sustainability</b>				
		Comparators		
	<u>Kelowna</u>	<u>Benchmark</u>	<u>Population &gt; 100K</u>	<u>Okanagan</u>
Assets/Liabilities	2.23%	> 1.75%	1.84%	1.39%
Net Fin. Assets/Rev.	110%	> 70%	75%	27%
Accum. Surplus & Reserves/Expenses	161%	> 100%	137%	63%

<b>Competitiveness</b>				
		Comparators		
	<u>Kelowna</u>	<u>Benchmark</u>	<u>Population &gt; 100K</u>	<u>Okanagan</u>
Tax Burden Per Capita	\$2,681	TBD	\$2,902	\$2,340
Debt Per Capita	\$474	TBD	\$669	\$630
Annual Surplus Per Capita	\$606	TBD	\$836	\$478

#### Activity Performance to date

Performance, seen in the table below, indicates that spending has been below budget while revenue collection has been on budget.

Activity Ratio	Description	Third Quarter Performance (YTD)
Actual Spend to Budget	Measures performance against original and amended net budget. This measure provides an indication of progress toward planned outcomes.	<b>Group: Divisions</b> ➤ \$580M (61%)
Revenue Earned to Budget	Measures revenue performance against original and amended budget. This metric allows management/Council to identify gaps or surpluses, and to adjust where required to reach financial goals.	<b>Group: Divisions</b> ➤ \$673M (71%)
Payroll Expenditure to Budget	Measures salary performance, the City's largest expenditure, against original and amended budget. This measure highlights challenges with recruitment and may be a leading indicator of other upcoming challenges.	<b>Group: Divisions</b> ➤ \$90M (76%)
Capital Expenditure Burn Rate (Actual Spend to Budget by Cost Centre):	Measures the percent of annual capital budget being used and indicates the City's ability to deliver on its capital program.	<b>Group: Capital Cost Centres</b> ➤ \$79M (39%)
Investment Income Revenue to Budget:	As a rapidly growing city, investment income will continue to be a greater part of our annual budget. A more specific metric than Revenue Earned/Budget, this metric specifically measures investment returns to allow management/Council to manage the ongoing impacts of economic volatility.	<b>Group: Investments</b> ➤ \$24M (125%)

Deviation from budget targets is dominated by anticipated timing differences. (For example, the tax revenue collected for the City and for other governments is largely collected annually, during the second quarter.)

Divisional budget target by year-end

<b>Active Living and Culture:</b>	On Budget
<b>Airport:</b>	On Budget
<b>City Clerk:</b>	On Budget
<b>City Manager:</b>	On Budget
<b>Corporate and Protective Services:</b>	On Budget
<b>Corporate Strategic Services:</b>	On budget
<b>Financial Services:</b>	Investment revenue significantly higher than budgeted
<b>Infrastructure:</b>	On Budget
<b>Partnerships and Investments:</b>	On Budget
<b>Planning, Climate Sustainability and Development Services:</b>	Near budget, higher than anticipated revenues from several major construction projects.

### Risks Identified

The financial activities and progress to date have been stable and reveal no indication of potential future risks.

### Budget redeployment

There will be no budget redeployment at this time.

### **Conclusion:**

As demonstrated in the key financial ratios from 2022, the City maintains its strong financial position. Looking to 2023, the third quarter's financial performance reflects a positive outlook for the organization, with most divisions successfully tracking on budget. The performance across multiple divisions demonstrates the effectiveness of our financial planning and resource allocation strategies.

### **Internal Circulation:**

#### **Considerations not applicable to this report:**

***Legal/Statutory Authority:***

***Legal/Statutory Procedural Requirements:***

***Existing Policy:***

***Financial/Budgetary Considerations:***

***Consultation and Engagement:***

***Communications Comments:***

Submitted by: M. Friesen, Controller Financial Services

**Approved for inclusion:** J. Sass, Divisional Director Financial Services

### **Attachments:**

Appendix A. Presentation to Council



# Measuring Financial Performance

City of Kelowna's Third Quarter Financial Activity

November 27, 2023



# Introduction

The data presented here will offer an understanding of our financial performance, enabling you to make informed assessments of our municipality's third quarter financial activity.

We will examine revenue and expenditure trends and delve into investments and capital spending to provide insights into the factors driving our financial performance.



# Financial Performance Measures

- ▶ Financial Health Indicators
- ▶ Financial Activity
- ▶ Performance Summary
- ▶ Looking to the future





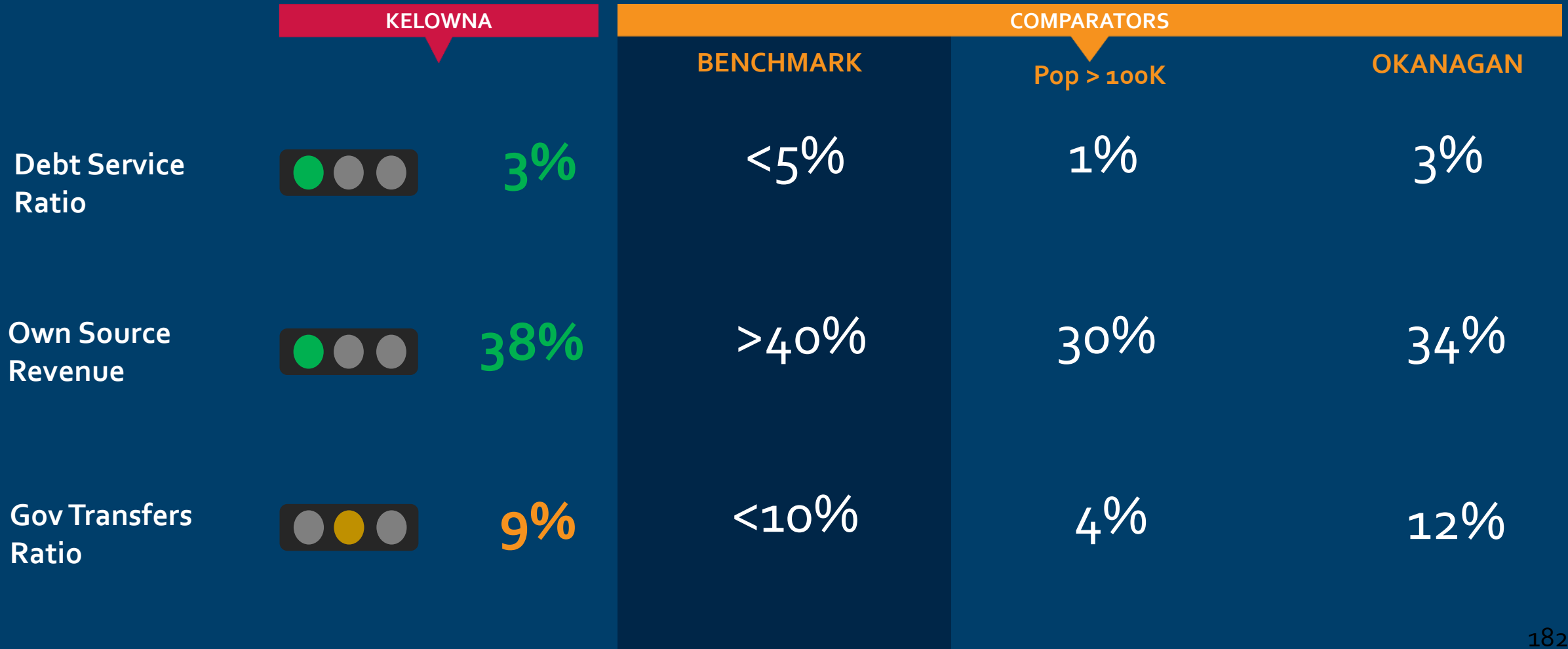


# Financial Health Categories

- **Financial Flexibility** – How much flexibility in the short term, without direct tax increases?
- **Financial Sustainability** – Do we have ability to maintain operations and services over the long term?
- **Competitiveness** – How do we fare financially on a per capita basis relative to similar municipalities and the region?

# Financial Flexibility




How much room we have to move in the short term








# Financial Sustainability

The ability to maintain operations and services over the long term

	KELOWNA	COMPARATORS		
		BENCHMARK	Pop > 100K	OKANAGAN
Financial Assets/Liabilities	 2.23%	>1.75%	1.84%	1.39%
Net Financial Assets/Revenue	 110%	>70%	75%	27%
Accum. Surplus & Reserves/Expenses	 161%	>100%	137%	63%

# Competitiveness

How do we fare financially on a per capita basis

	KELOWNA	BENCHMARK	COMPARATORS Pop > 100K	OKANAGAN
Tax Burden Per Capita	 <b>\$2,681</b>	TBD	\$2,902	\$2,340
Debt Per Capita	 <b>\$474</b>	TBD	\$669	\$630
Annual Surplus Per Capita	 <b>\$606</b>	TBD	\$836	\$478

# Conclusion

## Financial Flexibility

- Debt is low and decreasing relative to revenues.
- Own source revenues strong and improving over time (grants and partnerships).
- External sources of revenue forecasted to increase as strategic priority.



## Financial Sustainability

- Financial Assets and Liquidity VERY strong on all measures.
- City showing incredible resilience coming out of Pandemic Emergency.
- Infrastructure deficit is future headwind. (Future Measure)



## Competitiveness

- Kelowna is well positioned relative to similar sized cities.
- Fast growing population will improve per capita metrics quickly.
- Opportunity exists for maximization of annual revenues given surplus figures.





# Performance Categories

- ▶ Activity Highlights of Council Priorities
- ▶ Year-to-Date Activity Trends
- ▶ Actual Activity to Budget by Division
- ▶ Investment Income Revenue & Capital Expenditure to Budget



## COUNCIL PRIORITIES – Activity Highlights

### Crime & Safety

- Increased funding up to \$106,000 and \$52,000 to the Downtown on Call and Downtown Clean Team, respectively.

### Affordable Housing

- \$1,500,000 Surplus allocated to the City's Housing Opportunities Reserve Fund.
- \$272,000 Rental housing grant issue for Pleasantvale 2

### Homelessness

- MOU signed with the Province that formalizes commitments to support unhoused individuals.
- PEER Navigator and IHRT programs continue to progress with 2023 funding of \$386k

### Transportation

- \$600,000 Contribution was made for the Highway 33 multi-modal traffic corridor planning.

### Agriculture

- Term Agriculture Planner position created for increase coordination with the Agricultural Land Commission enforcement

### Climate & Environment

- Climate Action and Resiliency Strategy under development

# Activity Trends - Income



**Corporate  
Financial  
Services**  
\$309M (66%)

**Infrastructure**  
\$80M (17%)

**Airport**  
\$37M (8%)

**Property  
Tax**  
\$180M (39%)

**Fees &  
Charges**  
\$147M (32%)

**Grants &  
Interest**  
\$83M (18%)

LEADERS

*Excludes Capital Projects, Government and Internal Transfers*

# Activity Trends - Spending

LEADERS

**Materials & Supplies**  
\$110M (36%)

**Salaries & Wages**  
\$90M (30%)

**Contract Services**  
\$76M (25%)

**Infrastructure**  
\$84M (28%)

**Corporate & Protective Services**  
\$80M (27%)

**Corporate Financial Services**  
\$75M (25%)



*Excludes Capital Projects, Government and Internal Transfers*

# Actual Activity to Budget

As at September 30, 2023

## Divisions on target:

- ▶ Active Living and Culture
- ▶ Airport
- ▶ City Clerk
- ▶ City Manager
- ▶ Corporate and Protective Services
- ▶ Corporate and Strategic Services
- ▶ Infrastructure
- ▶ Partnerships and Investments

## Divisions above target:

- ▶ Financial Services
- ▶ Planning, Climate Sustainability & Development



# Actual Activity to Budget

As at September 30, 2023

**Capital Expenditure  
Burn Rate**  
(annualized)



**Investment Income**



BUDGET ACTIVITY						
	Expenses		Revenues		Prior Year Expenses	Prior Year Revenues
Capital Expenditure Burn Rate	39%	↑	N/A		31%	N/A
Investment Income	N/A		125%	↑	N/A	86%

# What does this mean?

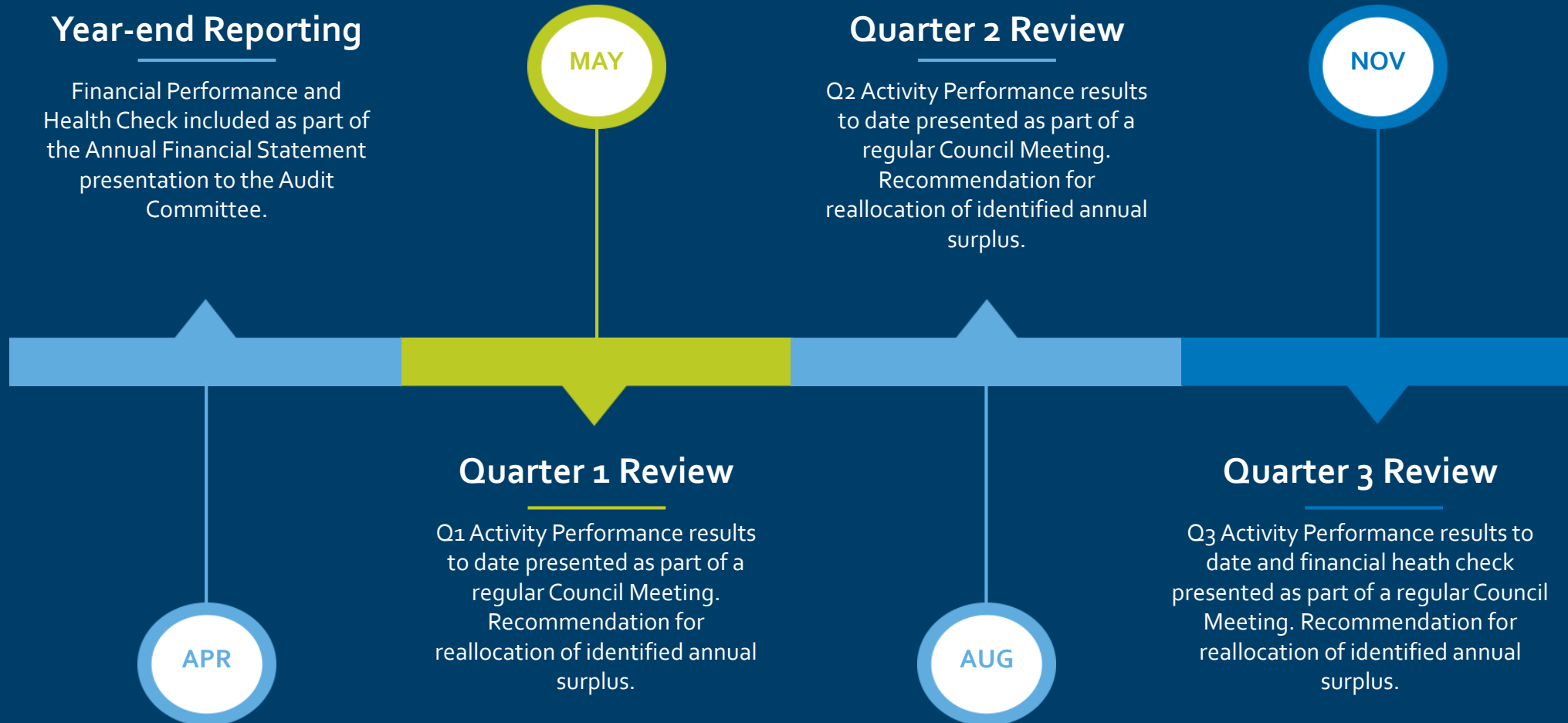
## Actual activity

- ▶ Income streams are diversified in support of our City's economic resilience
- ▶ Revenues and expenses are up over the prior year, as budgeted

## Budget utilization

- ▶ Trending similar to the prior year
- ▶ Operational budget utilization is on target, excluding timing variances
- ▶ Capital projects are underspent and carry forwards are anticipated

# Going Forward 2024



An aerial photograph of a suburban neighborhood at dusk. The houses have their lights on, and the city lights in the background are visible across a body of water. The sky is a mix of blue and orange. The foreground shows tall grass on a hillside.

# Questions?



# Report to Council



**Date:** November 27, 2023  
**To:** Council  
**From:** City Manager  
**Subject:** Business Licence Bylaw replacement  
**Department:** Development Services

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**Recommendation:**

THAT Council receives, for information, the report from the Business Licence Supervisor dated November 27, 2023, with respect to repealing and replacing Business Licence and Regulation Bylaw No. 7878.

AND THAT Business Licence and Regulation Bylaw No. 12585 be adopted.

AND THAT Amendment No. 36 Bylaw No. 12586 to Bylaw Notice Enforcement Bylaw No. 10475 be adopted.

**Purpose:**

To replace Business Licence and Regulation Bylaw No. 7878 with Business Licence and Regulation Bylaw No. 12585 and to amend Bylaw Notice Enforcement Bylaw No. 10475.

**Background:**

The proposed new Business Licence and Regulation Bylaw No. 12585 was introduced to Council on October 23, 2023. The bylaw received the first three readings on that date. In accordance with Section 59(2) of the Community Charter, the adoption of the new business licence bylaws necessitates a public consultation process, which is summarized in this report.

**Discussion:**

Before adopting any business license bylaw, the City is required by legislation to provide notice and offer affected individuals the opportunity to provide feedback. To fulfill this requirement, Staff initiated a public consultation process by notifying the Chamber of Commerce, the Downtown Kelowna Association, the Uptown Rutland Business Association, and published advertisements in the Daily Courier on October 25, October 27, and November 1. The public was directed to submit written

comments to the Business Licence Supervisor no later than 4:00 PM on November 3, 2023. The same information was posted on the City's website at Kelowna.ca/business.

The Kelowna Chamber of Commerce, Downtown Kelowna Association, and Uptown Rutland Business Association communicated the public notice to their members via newsletters and updates, ensuring a substantial outreach to their respective audiences. The newspaper advertisements and City's website further amplified the public notice to an extensive audience.

Organizations and Public Notice Reach:

**Kelowna Chamber of Commerce**

The Chamber of Commerce pushed out the public notice to 3,150 inboxes in their weekly newsletter.

**Downtown Kelowna Association**

The Downtown Kelowna Association shared the public notice with 1,086 members as well as included it in their monthly update to membership called The Burley Blurb.

**Uptown Rutland Business Association**

The Uptown Rutland Business Association circulated the public notice to approximately 375 inboxes.

**Daily Courier Newspaper**

The public notice was published in the City In Action section of the Daily Courier newspaper three separate times; October 25, October 27, and November 1. The Daily Courier reports 6,000 paid subscribers in 2023.

**City of Kelowna**

The public notice was also posted at the top of the Kelowna.ca/business webpage with links to the relevant documents and information. During the consultation process there were 526 page views.

<b>Organization</b>	<b>Public Notice Reach</b>
Kelowna Chamber of Commerce	3,150
Downtown Kelowna Association	1,086
Uptown Rutland Business Association	375
Daily Courier newspaper – City In Action	6,000
Kelowna.ca/business webpage	526

**Correspondence Received:**

The public notification process was open for two weeks and asked that anyone impacted to provide written comments by 4:00 PM on November 3, 2023. The Business Licence Supervisor received one piece of correspondence during the consultation process. The nature of the comment was favourable of the proposed Business Licence bylaw.

**Conclusion:**

The legislative notice requirements have been met; therefore, Staff are recommending adoption of the two bylaws.

**Considerations applicable to this report:**

***Legal/Statutory Authority:***

Community Charter Sections 15, 16, 59 and 60.

***Consultation and Engagement:***

Kelowna Chamber of Commerce

Downtown Kelowna Association (DKA)

Uptown Rutland Business Association (URBA)

**Considerations not applicable to this report:**

***Communications Comments:***

***Legal/Statutory Procedural Requirements:***

***Existing Policy:***

***Financial/Budgetary Considerations:***

**Submitted by:** G. March, Licensing & System Improvement Supervisor

**Approved for inclusion:** R. Smith, Divisional Director of Planning and Development

# Business Licence & Regulation Bylaw No. 12585 Adoption

November 27, 2023



# Notification and Consultation

- ▶ Legislative requirement to provide opportunity for persons affected to make representation
- ▶ Notify Chamber of Commerce and Business Improvement Areas
- ▶ Publish newspaper advertisements in Daily Courier City-in-Action section on October 25<sup>th</sup>, 27<sup>th</sup> and November 1<sup>st</sup>
- ▶ Written comments to be submitted by end of day November 3<sup>rd</sup>

# Public Consultation Reach

Organization	Public Notice Reach
Kelowna Chamber of Commerce	3,150
Downtown Kelowna Association	1,086
Uptown Rutland Business Association	375
Daily Courier – City In Action	6,000
Kelowna.ca/business webpage	526

# Staff Recommendation

- ▶ THAT Business Licence and Regulation Bylaw No. 12585 be adopted
- ▶ AND THAT Amendment No. 36 Bylaw No. 12586 to Bylaw Notice Enforcement Bylaw No. 10475 be adopted
  - ▶ Adoption will facilitate to smooth transition to the 2024 business licence program.
  - ▶ Adoption of Bylaw Notice Enforcement will update and align penalties across bylaws



*Questions?*

For more information, visit [kelowna.ca/business](http://kelowna.ca/business)



# CITY OF KELOWNA

## Business Licence and Regulation Bylaw No. 12585

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

### PART 1 - CITATION

- 1.1 This Bylaw may be cited for all purposes as "Business Licence and Regulation Bylaw, No. 12585"

### PART 2 – DEFINITIONS

- 2.1 Words, phrases, and terms defined neither in this section nor in the Local Government Act shall be given their usual and customary meaning.
- 2.2 The following words, terms, and phrases, wherever they occur in this Bylaw, shall have the meaning assigned to them as follows:

**ADULT SERVICES BUSINESS** means a **body rub studio**, a **body painting studio**, a **dating agency**, or a **social escort service**.

**APPLICANT** means a **person** who makes an application for a **licence** under this Bylaw.

**ATM** means an automated teller machine that permits a customer to access and use one or more financial services customarily provided by a financial institution, including without limitation the dispensation of money or the exchange of cash for cryptocurrency, or the business of providing an ATM, but not including an ATM located within a financial institution.

**BCLCRB** means the British Columbia Liquor and Cannabis Regulation Branch.

**BODY PAINTING STUDIO** means a **business** involving the application of paint, powder, or similar materials to the body of another person, but does not include the application of facial make-up, face painting, or tanning products.

**BODY RUB** means the manipulating, touching, or stimulating by any means, of a person's body, or part thereof, but does not include medical, therapeutic, or cosmetic massage treatment performed by a person duly licensed or registered under any provincial statute governing such activities.

**BODY RUB STUDIO** means any **premises** of part thereof where a **body rub** is performed, offered, or solicited.

**BUSINESS** means the carrying on of a commercial or industrial undertaking or trade of any kind, or the provision of professional, personal, or other services for the purpose of gain or profit but does not include an activity carried out by the government, its agencies, or government owned corporations.

**BUSINESS OWNER** hereby referred to in this bylaw as **OWNER**, means the **person** or **persons** that are legally responsible for the **business** and are the licensee or holder of the **business** licence.

**BYLAW ENFORCEMENT OFFICER** means an individual employed by the **City** to perform bylaw enforcement duties.

**CABARET** means a dance club or other **business** where the primary purpose is the sale and service of alcoholic beverages to the public for consumption on the **premises**, which holds a liquor primary licence issued by the **BCLCRB**.

**CITY** means the City of Kelowna or the geographic area within the municipal boundaries thereof.

**COUNCIL** means the Municipal Council of the **City**.

**DATING AGENCY** means a **business** which provides information to persons desirous of meeting other persons for the purpose of social outings.

**FOOD PRIMARY ESTABLISHMENT** means development where prepared food and beverages are offered for sale to the public. Typical uses include, but are not limited to, licensed restaurants, theatre restaurants, banquet facilities, cafes, delicatessens, tea rooms, lunchrooms, refreshment stands, and take-out restaurants. Licensed restaurants may serve any kind of liquor, even to customers who do not order food; however, a full range of appetizers and main courses must be available whenever liquor is available. These establishments may be holders of a Food Primary liquor licences.

**GAMING FACILITY** as defined by the *Gaming Control Act*, SBC 2002, c 14 as amended or replaced from time to time.

**HOME-BASED BUSINESS** is divided into three categories: Minor, Major, and Rural and is defined in the *City of Kelowna Zoning Bylaw No. 12375* as amended or replaced from time to time.

**INITIAL LICENCE** means a **licence**, other than a **special event licence**, issued to an **applicant** that did not previously hold a valid and subsisting **licence** for the subject **business** under this Bylaw. A **business** that did not satisfy the requirements for renewal and has reapplied does not qualify for an **initial licence** and is not eligible for proration.

**LICENCE** means a **business licence** issued by the **City** to operate a **business** under this bylaw, and is limited to an **initial licence**, a **renewal licence** or a **short-term event licence**.

**LICENCE INSPECTOR** means an individual employed by the **City** as a Licensing and Property Use Inspector, or their designate(s).

**LIQUOR PRIMARY ESTABLISHMENT** means an establishment primarily intended for the provision and consumption of alcoholic beverages on the **premises**, where alcoholic beverages are offered for sale to the public and may be characterized by one or more of the following: lounge, beverage rooms, or cocktail lounge, and which holds a liquor primary licence issued by the **BCLCRB**.

**LIQUOR PRIVATE CLUB** means a private club operated by a **society**, a non-profit or veterans' organization incorporated by special act of parliament, or a club or organization that has at least fifty (50) members who pay annual fees, where the sale and service of alcoholic drinks is offered to members and their registered guests, and which holds a liquor primary club licence issued by the **BCLCRB**.

**LIQUOR RETAIL** means a **business** which sells or offers beer, wine, coolers, ciders, or packaged liquor for consumption off the **premises**.

**MARKETING** means to offer for sale, promote, canvass, solicit, advertise, book, arrange or facilitate **business** activity, and includes placing, posting or erecting advertisements physically or online, but does not include the provision of a neutral space or location for such marketing activities in newspapers, bulletin boards or online.

**MOBILE STORE** means a **business** that is carried out entirely from a motor vehicle or other stand that is designed to be or is mobile, including hand push carts and self-propelled concession stands, whereby the entire stock of goods, wares, merchandise, services, or foodstuffs offered for sale is carried, contained, and sold from the **mobile store** and are delivered to the purchaser at the time of sale.

**PASSENGER TRANSPORTATION SERVICE** means a **person** who owns or operates:

- a) a passenger directed vehicle service, or an inter-city bus, taxi or limo service, shuttle bus, all as defined by the *Passenger Transportation Act*, SBC 2004, c 39 as amended or replaced from time to time;
- b) a **pedicab, rickshaw**, recreational vehicle tour or charter company, bike or quadracycle tour or charter company, or boating tour/charter or flight tour/charter company.

**PEDICAB** means "Pedicab" as defined by Traffic Bylaw no.8120 as amended or replaced from time to time.

**PERSON** means and includes any individual, **business owner(s)**, corporation, partnership or party and the heirs, executors, administrators, and the legal, personal or other legal representative whom represents the **business** and is authorized to do so according to law.

**RCMP** mean a member of the Royal Canadian Mounted Police.

**PREMISES** means a building, portion of a building, or an area of land where **business** is carried out.

**RENEWAL LICENCE** means a **licence** issued to a **business** under this Bylaw for each calendar year after the expiry of the **initial licence** for the **business**.

**RESIDENT BUSINESS** means a **business** carried on, in, or from **premises** within the **City**.

**RICKSHAW** means a small two wheeled vehicle that is pulled manually by one (1) or more persons.

**SPECIAL EVENT LICENCE** means a **licence** issued to a short-term or temporary **business**, including **vendor markets, trade shows**, and special events.

**SOCIAL ESCORT SERVICE** means a **business** which provides escorts for social occasions.

**SOCIETY** means:

a) a **society** incorporated and in good standing under the *Societies Act* S.B.C. 2015, c. 18 as amended or replaced from time to time; or

b) a **society** or organization which is registered as a charitable **society** or organization under the *Income Tax Act* of Canada as amended or replaced from time to time.

**TOWING SERVICE** means any person carrying on the **business** of operating a **tow truck**.

**TOW TRUCK** means a motor vehicle used for towing or rendering assistance to other motor vehicles or to vehicles suffering from a defect or disability in their means of locomotion.

**TRADE SHOW** means the carrying on of a **business** to organize a group of more than five (5) merchants to gather in one location or building to offer goods, wares, or merchandise for retail sale or wholesale for a single period less than fourteen (14) days.

**TRANSPORTATION NETWORK SERVICE** means a **person** who owns or operates a passenger-directed vehicle ride-hailing service, as defined by the *Passenger Transportation Act*, SBC 2004, c39 as amended or replaced from time to time.

**TRANSPORTATION SERVICE** means a **person** who owns or operates a **business** which hauls, by way of vehicles, cycles or vessels of any description, goods, wares, or merchandise from one place to another and has a **premises** or usual place of stopping and starting within the **City**.

**VENDOR MARKET** means the carrying on of a **business** to organize a group of more than three (3) merchants, vendors, or participants, to gather in one location or building to offer handicrafts, produce and/or vegetables, food, new and/or used goods, wares, or merchandise for sale for limited time periods. A licensed **vendor market** may be a recurring event; however, any **vendor market** operating on consecutive days shall not exceed any single period of seven (7) or more consecutive days.

**ZONING BYLAW** means the *City of Kelowna Zoning Bylaw No. 12375* as amended or replaced from time to time.

### **PART 3 - REQUIREMENTS FOR A BUSINESS LICENCE**

- 3.1 Every **person** who owns or operates a **business** within the **City** shall apply for, obtain, and maintain a **licence**.
- 3.2 Section 3.1 of this Bylaw applies to every **business** carried on in the **City** or with respect to any work or service that is performed in the **City**, whether or not the **business** is carried on, in or from a **premises** in the **City**.
- 3.3 A **person** must not carry on any **resident business** in the **City** except at the **premises** identified in a valid and subsisting **licence** for that **business**.



- 3.4 Every **person** who owns or operates a **business** at more than one **premises** must apply for, obtain, and maintain a separate **licence** in respect of each separate **premises**.
- 3.5 Every **person** who owns or operates more than one **business** or type of **business** at a single **premises** must apply for, obtain, and maintain a separate **licence** in respect of each **business** or type of **business** at that **premises**.
- 3.6 Every **person** who holds a **licence** in the **City** is responsible to ensure that all sub-contractors or trades hired by that licensed **business** are duly licensed to perform the required services and are available to provide a list of said sub-contractors within five (5) working days of receipt of such a request.
- 3.7 A **person** must not **market** or promote a **business** for which a **licence** is required by this Bylaw within the **City** unless the **business** being advertised or promoted is the subject of a valid and subsisting **licence** for that **business**.
- 3.8 No **licence** holder shall contravene, permit, or allow the contravention of any term of this Bylaw in relation to their **business**.
- 3.9 No **licence** holder shall contravene, permit, or allow the contravention of any term or condition of their **licence**.

### Exemptions

- 3.10 Notwithstanding any other provisions of this Bylaw, the holder of a valid and subsisting **licence** issued for a **business** under:
  - a) the *Inter-Community Mobile Business Licence Bylaw No. 9900* as amended or replaced from time to time, for an associated community member of the Okanagan-Similkameen mobile licence program; or
  - b) the *Short-Term Rental Accommodation Business Licence and Regulation Bylaw No. 11720* as amended or replaced from time to time; or
 need not obtain an additional **licence** under this Bylaw for that **business**.
- 3.11 Notwithstanding any other provisions of this Bylaw, the following activities do not require a **licence**:
  - a) rental of a secondary suite or carriage house to residential tenants, for periods of more than thirty (30) days; or
  - b) any person holding a yard sale on their residential property, provided such yard sales occur on no more than four (4) occasions within a calendar year.
- 3.12 Notwithstanding any other provisions of this Bylaw:
  - a) an individual employed or contracted as a driver by a licensed **business** providing **passenger transportation service, transportation service or transportation network service** in the **City** is not required to obtain their own individual **licence** for such services; and

- b) a **transportation network service business** may provide such services throughout the **City** and need not post its **licence**.

#### **PART 4 – BUSINESS LICENCE APPLICATION**

- 4.1 Every **person** applying for an **initial licence** must pay to the **City** the initial application fee, licence fee, and any inspection fees required, as specified in Schedule “A”.
- 4.2 Every application for an **initial licence** must:
  - a) be completed in full and signed by the **business owner**, or a **person** authorized in writing by the **business owner** to do so;
  - b) be completed in full on the application form(s) provided by the **City** for that purpose.
- 4.3 An application for an **initial licence** may be required by the **Licence Inspector** to contain the following information, where applicable:
  - a) identification and or proof of identity;
  - b) the name, address, phone number and email of the **business owner** and the **applicant**;
  - c) a description of the nature of the **business**;
  - d) a description of the proposed **business premises**, including the legal description and civic address;
  - e) the square meters of the proposed **business premises**, including a copy of a plan of the space when requested;
  - f) the number of employees;
  - g) proof of ownership, lease, or other arrangement permitting the **business** to use the **premises** for the period of the **licence**;
  - h) proof of any certification, licence, permit, approval, qualification, or plan that may be required by a federal, provincial, or other authority with respect to the operation of the **business**;
  - i) proof of insurance;
  - j) the liquor licence, including any endorsements, issued to the **business** under the *Liquor Control and Licensing Act* as amended or replaced from time to time;
  - k) proof of a permit issued to the **business** under the *Public Health Act* as amended or replaced from time to time, or its regulations;
  - l) the occupant load or other description of the **business** capacity; and
  - m) any additional information the **Licence Inspector** reasonably requests in order to assist in determining whether the **applicant** may be issued a **licence**;

and the **initial licence** application shall not be considered complete until the **Licence Inspector** has received the requirements above to the **Licence Inspector’s** satisfaction.

- 4.4 Any errors, omissions, inaccuracies, or misrepresentations in the information or documentation provided by the **applicant** in respect to a **licence** application will be considered the sole

responsibility of the **applicant**, notwithstanding any review or acceptance by the **Licence Inspector**.

- 4.5 If a **business** involves multiple owners or partners, any one of the registered owners or partners may apply for an **initial licence** on behalf of the **business owners** and that person will be deemed to be the authorized agent for that **business** for the purposes of this Bylaw.
- 4.6 No **person** shall provide incorrect or misleading information on an application for a **licence**.
- 4.7 Where an **applicant** applies for more than one (1) **licence**, they must submit a separate application for each **licence**.
- 4.8 Where an **applicant** applies for an **initial licence** for a **business**, they must first obtain and complete any permits required by the **business**, including but not limited to building, plumbing, natural gas, sprinkler, high rack storage and fire suppression permits.
- 4.9 Where it is determined that an inspection of the proposed **business premises** is required as part of the **licence** application, it is the responsibility of the **applicant** to arrange for and allow the required inspection(s) to occur in a timely manner as defined by the **Licence Inspector**.
- 4.10 The **applicant** must pay to the **City** the initial application fee, licence fee, and any inspection fees required, as specified in Schedule "A" before a **licence** will be issued.
- 4.11 If a **person** submits a **licence** application for which additional information or documentation is required by the **Licence Inspector**, the **person** shall supply all required information and documentation within thirty (30) days of the request made by the **Licence Inspector**, after which time the application may be refused and a new application for a **licence** must be submitted.

## **PART 5 – BUSINESS LICENCE CONDITIONS**

### **Effect of the Licence**

- 5.1 A **licence** authorizes only the **person** named in the **licence** to operate the **business** described in the **licence**, and is subject to any condition(s) of the **licence**.
- 5.2 The granting or issuance of a **licence** under this Bylaw is not a representation or warranty by the **City** that the **licence** holder is competent in the **business** for which they are licensed, nor that the licensed **business** or the **business premises** comply with the bylaws of the **City** or with any other enactments, regulations, or standards.
- 5.3 A **licence** issued under this Bylaw to a **business** is subject to every term and condition applicable to that **business** stated in the **licence** and this Bylaw.
- 5.4 Every **person** who owns or operates a **business** must comply with all bylaws, policies, and enactments applicable to that **business** as a term and condition of their **licence**.
- 5.5 No **person** who owns or operates a **business** may cause, allow, or permit that **business** to cause a nuisance to other **businesses**, resident(s), or member(s) of the public.

- 5.6 No **person** shall market goods, services or carry on any **business** without first acquiring any applicable licences, permits or approval(s) required by the **City** authorizing the activity at the times and locations indicated therein.

#### **Form and Display of Licence**

- 5.7 Every **licence** granted pursuant to this Bylaw shall be in the form prescribed by the **City**.
- 5.8 Every **licence** holder must keep a copy of their valid **licence** posted in a place that is visible to the public and that is within the **premises** to where the **business** is operated unless an exception is permitted under this bylaw.

#### **Licence Period and Renewal**

- 5.9 In this part, “renewal year” means the calendar year following the year in which an **initial licence** or **renewal licence** was issued.
- 5.10 Unless otherwise specified or earlier cancelled in accordance with this Bylaw:
- a) an **initial licence** is valid until December 31 of the year in which the **licence** is issued;
  - b) a **renewal licence** is valid from January 1 to December 31 of the year in respect of which the **licence** is issued; and
  - c) a **special event licence** is valid for the period or days indicated on the **licence** by the **Licence Inspector**.
- 5.11 A **licence** holder may renew an **initial licence** or a **renewal licence** for a renewal year by:
- a) paying to the **City** the annual fee specified for that **business** in Schedule “A”;
  - b) paying to the **City** any outstanding fees or fines imposed upon the **business** or the **licence** holder under this Bylaw, including court-ordered fines and costs in favor of the **City** for breaches of this Bylaw; and
  - c) providing any information which the **Licence Inspector** reasonably requests in order to assist in determining whether the **licence** may be renewed.
- by no later than the fee payment due date of the renewal year.
- 5.12 If a **licence** holder satisfies the requirements for renewal of the **licence** indicated in Section 5.11, but fails to submit payment of mandatory fees by the due date of the renewal year, the **licence** holder must pay to the **City** the late penalty fee specified in Schedule “A” of this Bylaw.
- 5.13 If a **licence** holder does not satisfy the requirements for renewal of the **licence** indicated in Section 5.11 within sixty (60) days from the fee payment due date of the renewal year, the **licence** may be cancelled by the **Licence Inspector**.



## Changes in Business / Licence Transfer

- 5.14 A **licence** holder must notify the **City** in writing within ten (10) business days of any changes to the information submitted on the application for which a **licence** was issued.
- 5.15 A **licence** holder proposing to make any of the following changes to the **business** for which the **licence** is held:
- a) location of the **business premises**;
  - b) ownership of the **business**; or
  - c) a term or condition on which the **licence** was issued;
- must complete and submit an application for such change(s) in the same form and manner as set out in Part 4 for **initial licence** applications, except the **applicant** must pay the licence change fee specified in Schedule "A" of this Bylaw, rather than an initial application fee.
- 5.16 No **licence** holder may change any condition upon which the fee for their **licence** is based without first paying to the **City** any additional fee(s) due or owing as a result of the change.

## PART 6 – BUSINESS LICENCE FEES

- 6.1 For **initial licences**, the annual licence fee prescribed for that **business** in Schedule 'A' shall be prorated, based on the total number of quarters remaining in the duration of the **licence** year, as calculated from date of the issuance of the **licence**. Partial quarters shall be treated as full quarters, and shall be prorated as follows:
- |                     |                                 |
|---------------------|---------------------------------|
| Four (4) quarters:  | 100% of the fee shall apply;    |
| Three (3) quarters: | 75% of the fee shall apply;     |
| Two (2) quarters:   | 50% of the fee shall apply; and |
| One (1) quarter:    | 25% of the fee shall apply.     |
- 6.2 The fee for a **special event licence** and any **licence** that operates on a per-day basis, or has a fee other than an annual fee, will not be pro-rated.
- 6.3 Fees paid under this Bylaw are not refundable.
- 6.4 Fees for inspections of **business premises** conducted by the **Licence Inspector** beyond those typically required for the purposes of issuing or renewing a **licence**, including re-inspections, are set out in Schedule "A" of this Bylaw.

## PART 7 – AUTHORITY

- 7.1 The **Licence Inspector** may issue, renew, or change a **licence** upon being satisfied that the application for the issuance, renewal, or change meets the requirements of this Bylaw.
- 7.2 No **licence** shall be issued or renewed unless the **Licence Inspector** is satisfied with the information available that:

- a) the zoning of the **business premises** permits the proposed **business** activity;
  - b) the **owner** and the **business** are in compliance with this bylaw, all other **City** bylaws and enactments that are applicable to the **business** and the **business premises**;
  - c) all **licence** and inspection fees, and any other outstanding fees or fines owed to the **City** in relation to the **business**, or any other **business** operated by the same **applicant**, have been paid.
- 7.3 Subject to section 16 of the *Community Charter* as amended or replaced from time to time, the **Licence Inspector** or **Bylaw Enforcement Officer** may enter a **business premises** during normal business hours or request entry within twenty-four (24) hours to inspect and determine whether the regulations and requirements of this Bylaw or a **licence** are being met.
- 7.4 At any time, the **Licence Inspector** may require a **licence** holder to provide proof of any certification, licence, permit, approval, qualification, or plan, including drawings, that may be required by this Bylaw, or by a federal, provincial, or other local authority with respect to the **business**.
- 7.5 Upon request by the **Licence Inspector**, a **licence** holder must provide photo identification to verify the identity of the **licence** holder.
- 7.6 The **Licence Inspector** may establish terms and conditions that must be met for obtaining, continuing to hold, or renewing a **licence**, including conditions related to:
- a) the duration of the **licence**;
  - b) the hours or days of operation of the **business**;
  - c) the maximum number of occupants allowed at the **premises**; or
  - d) any other terms or conditions related to compliance with this Bylaw or other applicable bylaw(s) or enactment(s).
- 7.7 The **Licence Inspector** may order:
- a) a **person** who contravenes any provision of this Bylaw to comply with that provision;
  - b) the correction of any unsafe condition in respect to a **business** or **business premises**;  
and
  - c) the cessation of any activity that contravenes the terms or conditions of the **licence** for the **business** or this Bylaw,

and every **person** issued an order under this section must comply with that order, within the time period ordered.

### **Refusal, Cancellation, Suspension of a Business Licence**

- 7.8 The **Licence Inspector** may refuse an application, or cancel or suspend a **licence** for any length of time, where the **Licence Inspector** is satisfied that there is reasonable cause, including without limitation where the **applicant** or **licence** holder:

- a) has failed to meet the **initial licence** application requirements as provided by this Bylaw;
  - b) has failed to meet the **renewal licence** requirements as provided by this Bylaw;
  - c) has ceased operation of the **business**;
  - d) fails to comply with this Bylaw or a term or condition of the **licence**;
  - e) intends to or does operate a **business** or occupies or uses a **business premises** that does not comply with a **City** bylaw, or any enactments of provincial, federal or other governmental authorities.
  - f) is convicted of an indictable offence in Canada which relates to the nature of the **business** or in respect of the **business**;
  - g) fails to comply with any **City** bylaws, is convicted of an offence under any of the **City's** bylaws, or has been convicted of an offence under a provincial or federal enactment in respect of the **business** or **premises** for which the **licence** was issued;
  - h) ceases to meet the lawful federal or provincial requirements to carry on the **business** or with respect to the **premises** for which the **licence** was issued;
  - i) has engaged in serious misconduct which warrants the refusal, cancellation, or suspension of the **licence**, if the misconduct is:
    - i. with respect to the **business**; or
    - ii. occurred in or with respect to the **business premises**;
  - j) has engaged in conduct resulting in the **Licence Inspector** concluding that there is reasonable cause to do so;
  - k) has not responded to the **Licence Inspector** in the time frame outlined in sections 4.11 and 5.13.
- 7.10 The **Licence Inspector** may impose conditions on a **licence** in relation to the refusal, suspension, or cancellation of the **licence**.
- 7.11 Before cancelling or suspending a **licence**, the **Licence Inspector** must notify the **licence** holder of the intended action, the date on which the intended action will take place, and provide reason(s) the **licence** will be suspended or cancelled.
- 7.12 If the **Licence Inspector** refuses to grant a **licence**, the **Licence Inspector** must provide the **applicant** with written reason(s) for the refusal upon the **applicant's** request.
- 7.13 No **person** shall operate, **market** or promote a **business** during a period in which the **licence** for that **business** is suspended or if the **licence** has been cancelled.

### Reconsideration

- 7.14 An **applicant** or **licence** holder who wishes **Council** to reconsider the **Licence Inspector's** decision to refuse, suspend, or cancel a **licence** must, within ten (10) business days of the date

of the refusal, suspension, or cancellation, deliver to the Corporate Officer of the **City** a written request stating the grounds upon which the request is based.

- 7.15 The Corporate Officer must refer a request made under Section 7.14 to a regular or special **Council** meeting and notify the **applicant** or **licence** holder of the time and place at which **Council** will reconsider the decision of the **Licence Inspector**.
- 7.16 If **Council** elects to uphold the **Licence Inspector's** decision to refuse, suspend, cancel, or place conditions on the **applicant** or **licence** holder, the Corporate Officer will provide the **applicant** or **licence** holder with written notice of **Council's** decision, and the **applicant** or **licence** holder must comply with any terms, restrictions, and requirements imposed by **Council**.

## **PART 8 – REGULATIONS FOR SPECIFIC BUSINESSES**

### **Adult Services Business**

- 8.1 Regulations in this section apply to all **adult services businesses** which include **body rub studio, body painting studio, dating agency** or **social escort service**, as defined in Part 2 of this Bylaw.
- 8.2 A **person** carrying on an **adult services business** must not:
- a) employ individuals who are less than nineteen (19) years of age; or
  - b) provide products or services to any person less than nineteen (19) years of age.
- 8.3 A **person** carrying on an **adult services business** must:
- a) provide a scaled drawing of the floor plan of the **premises** to be licensed;
  - b) maintain at the **business premises** licensed, a written record of all individuals registered with the **adult services business**, showing their name and address, and the individual to whom they have been referred to for a social engagement or **body rub**, including the date, time, and location of every social engagement, and shall upon request make such list available for review or pickup by the **Licence Inspector** or designated representative;
  - c) provide the **Licence Inspector** with notice of any change in the personnel employed or engaged in the **business** within forty eight (48) hours of such change;
  - d) not employ or engage any person in the **business** without first receiving a satisfactory completion of an **RCMP** Criminal Record Check;
  - e) not engage in or allow any employee or other person on the **business premises** to engage in or offer to engage in any act of prostitution;
  - f) ensure every room involving client interactions is not equipped with a locking device on any door in the room;
  - g) if the **business** is a **body rub studio**, meet the requirements of the *Regulated Activities Regulation* pursuant to the *Public Health Act* as amended or replaced from time to time and:
    - i. ensure the **business** is not open between the hours of 24:00hrs (12:00 midnight) and 8:00hrs (8:00am); and



- ii. not exhibit or allow to be exhibited in any form showing a nude male or female body together with printed word(s) that might indicate that the **business** is a place that offers any sexual or nude entertainment;
- h) provide upon request to the **Licence Inspector**, the name, age, address and two pieces of government issued photo identification of every person to be employed or engaged in the **business**, together with any additional information including pseudonyms or aliases, within five (5) working days of such request;
- i) provide upon request, **RCMP** Criminal Record Checks for all staff, primary managers, owners, partners, directors, and officers of the corporation, within five (5) working days of such request; and
- j) provide upon request, a list of any websites and advertising including social media platforms that promote the **business**, within five (5) working days of such request.

### Childcare Centre, Day Care and/or Baby-sitting Service

- 8.4 A **licence** issued under this Bylaw for a childcare centre, day nursery, nanny, or baby-sitting service will be required to:
- a) specify whether or not the **applicant** is eligible to have children under the age of thirty (30) months on the **premises**, as per the Child Care Licence issued by the local health authority in relation to the **applicant**; and
  - b) specify the number of children the **applicant** is permitted to have on the **premises** at any given time, as per the Child Care Licence issued by the local health authority in relation to the **applicant**.

### Contractors

- 8.5 Gas, plumbing, and fire sprinkler system installation contractors must provide, upon the request of a **Licence Inspector**, a list of trade-qualified sub-contractors, employees, and their associated certifications within five (5) days of such a request. Specifically:
- a) every **person** licensed under this Bylaw to operate as a gas contractor where mandatory prerequisite requirements under the *Safety Standards Act* and associated regulations are required must:
    - i) at the time of application; or
    - ii) within five (5) days of such a request;

provide a copy of their BC Gas Contractor Licence issued by Technical Safety BC including gas contractor licence number and expiry date, and ensure any mandatory Technical Safety BC regulatory requirements remain active and in good standing.

- b) every **person** licensed under this Bylaw to operate as a plumbing contractor must comply with all provisions of the *City's Plumbing Bylaw No. 5968-87* as amended or replaced from time to time and must:

- i) at the time of application; or
- ii) within five (5) days of such a request;

provide a copy of their required plumbing trade qualifications.

- c) every **person** licensed under this Bylaw to operate as a fire sprinkler system installation contractor must:

- i) at the time of application; or
- ii) within five (5) days of such a request

provide a copy of their required fire sprinkler system installation trade qualifications.

### **Home-Based Business**

- 8.6 Every **person** licensed under this Bylaw to operate a **Home-Based Business** must comply with all provisions of the **City's Zoning Bylaw No. 12375** as amended or replaced from time to time.

### **Mobile Store**

- 8.7 No person shall carry on **business** as a **mobile store** on a highway, sidewalk, or boulevard within the area outlined in "Schedule B" of this Bylaw, unless permitted through a **City** concession permit, or on a highway, sidewalk, or boulevard within the **City** unless the **mobile store** is located entirely within a location approved by the **City**. Any **mobile store** permitted on Leon Avenue, Lawrence Avenue, or Water Street must be located within the areas shown on "Schedule C" of this Bylaw, and the **business owner** must hold a valid concession permit issued by the **City**.
- 8.8 The **owner** or operator of a **mobile store** shall keep the area occupied by the **mobile store** and surrounding public places clean and clear of all waste, discarded debris, and food stains.
- 8.9 A **mobile store** which is licensed to operate in the area of Lawrence Avenue or Leon Avenue shown on "Schedule C" may only operate in this area between the hours of 5:00 p.m. to 3:00 a.m.
- 8.10 Where **mobile stores** are permitted and involve food sales, the **owner** or operator shall, as a requirement of the **initial licence** and **renewal licence**, ensure they hold valid local health authority approval, and that an annual safety check is completed with the **City** Fire Department and, if applicable, Technical Safety BC approval.

### **Passenger Transportation Service**

- 8.11 Every person licensed under this Bylaw to operate a **pedicab** or **rickshaw** is subject to the following conditions:
  - a) provision of proof of valid liability insurance for the **business** naming the **City** as indemnified against any claims arising from the ownership or operation of the **pedicab(s)**, or **rickshaw(s)**, in the amount of \$2,000,000.00;
  - b) provision of a ride fare fee schedule upon **licence** application;

- c) completion of daily **pedicab** or **rickshaw** inspections which, at a minimum, must include the following:
  - i) Pedals and the mechanical system are always operable to propel the **pedicab**;
  - ii) The functionality of **rickshaw** anti-tip safety bar located at rear of the unit;
  - iii) The frame and wheels of the **pedicab** or **rickshaw** are in good repair and sound condition;
  - iv) **Pedicab** hydraulic or cable front and/or rear disc brakes or caliper brakes are fully operable; and
  - v) passenger restraining device(s) such as seat belts are in working condition.
  
- d) advertising on **pedicab** or **rickshaw** can be in relation to the **business** or operator only, no off-site **business** signage is permitted on any **pedicab** or **rickshaw** unit, and any signage and/or advertising must adhere to as per section the *Sign Bylaw No. 11530* as amended or replaced from time to time.
  - i) all **pedicab** or **rickshaw** operators must not permit more than two (2) passengers in the **pedicab** or **rickshaw** at one (1) time.
  - ii) all **pedicab** or **rickshaw** operators must not transport passengers in a **pedicab** or **rickshaw** between thirty (30) minutes after sunset and thirty (30) minutes before sunrise unless:
    - i. The **pedicab** or **rickshaw** is equipped with operable front headlight and rear taillights, in accordance with *BC Motor Vehicle Act* and *City Traffic Bylaw no. 8120* as amended or replaced from time to time; and
    - ii. side reflectors are affixed to each side of the **pedicab** or **rickshaw**.
  
- d) all operator of a **pedicab** must comply with the stopping, standing, and parking provisions of the *Motor Vehicle Act* and *City Traffic Bylaw no. 8120* as amended or replaced from time to time, and may utilize designated taxi zone(s) on **City** streets and multi-use cycle/pedestrian pathways and board walks, but must not operate nor park a **pedicab** on any **City** sidewalk; and
  
- e) all operators of a **rickshaw** must comply with the stopping, standing, and parking provisions of the *Motor Vehicle Act* and *City Traffic Bylaw no. 8120* as amended or replaced from time to time, and may use multi-use cycle/pedestrian pathways and board walks, but must not operate nor park the **rickshaw** on any **City** sidewalk or taxi zone.

8.12 Every **person** licensed under this Bylaw to operate a marine equipment rental, marine tour, or marine charter **business** which utilizes **City** boat launch facilities as part of its **business** is subject to the following conditions:

- a) **business owners** are required to obtain a valid licence or permit issued by the **City** to allow access and use of **City** launch facilities; and
- b) **business owners** must adhere to all requirements or conditions indicated in such licence or permit.

## Secondhand Dealers and Pawnbrokers

- 8.13 Every **person** licensed under this Bylaw to operate as a secondhand dealer or a pawnbroker must comply with all provisions of the **City's *Secondhand Dealers and Pawnbrokers Bylaw No. 9227*** as amended or replaced from time to time.

## Towing

- 8.14 No **towing service** that has been requested to tow a vehicle from the scene of an accident shall solicit or suggest a specific destination for the motor vehicle being towed.
- 8.15 No **towing service** shall offer their services at the scene of a motor vehicle accident, or any roadside motor vehicle check conducted by the Kelowna **RCMP**, unless they have been requested to do so by the owner or driver of a motor vehicle involved in an accident, or by an attending member of the **RCMP**, Bylaw officer, or peace officer.

## Transportation Network Service

- 8.16 A **licence** issued under this Bylaw for a **transportation network service** is subject to the following conditions:
- a) the **business** must hold a current Provincial Transportation Network Service Licence and provide copy of such at time of application and upon renewal;
  - b) the **business** must clearly display vehicle identifiers on all associated vehicles, as required by the *Passenger Transportation Act* as amended or replaced from time to time; and
  - c) the **business owner** must ensure their drivers follow the Passenger Transportation Board's terms and conditions in respect to TNS apps.

## PART 9 – VIOLATIONS

- 9.1 A person that:
- a) carries on a **business** without holding a valid **licence** for that **business**;
  - b) fails to display or carry a valid **licence** as required by this Bylaw;
  - c) fails to provide any documentation or information as required by this Bylaw;
  - d) provides false or misleading information to obtain a **licence** under this Bylaw;
  - e) carries on or remains open for **business** after receiving notice that the **licence** for the **business** was suspended or cancelled;
  - f) violates any other term or condition of this Bylaw or of a **licence** issued under this Bylaw;
  - g) suffers or permits any act or thing to be done in contravention of any of the provisions of this Bylaw;



- h) neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw; or
- i) commits an offence against this Bylaw,

shall be liable upon summary conviction to a fine not exceeding ten thousand dollars (\$10,000.00).

- 9.2 If an offence continues for more than one (1) day or in more than one (1) instance, a separate offence occurs on each day or instance, and separate fines may be issued for each day that the offence continues or for every instance that an offence occurs.
- 9.3 Any penalty imposed pursuant to this Bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law, or legislation.
- 9.4 Any person designated as the enforcement officer for this Bylaw pursuant to the *City of Kelowna Ticket Information Utilization Bylaw No. 6550-89* as amended or replaced from time to time, is hereby authorized and empowered to enforce the provisions of this Bylaw by Municipal Ticket Information.

**PART 10 – ADMINISTRATION**

- 10.1 If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, the invalid portion must be severed and the remainder of this Bylaw is deemed to be adopted without the severed section, subsection, paragraph, subparagraph, clause, or phrase.
- 10.2 Schedule "A" attached hereto forms part of this Bylaw.
- 10.3 The City of Kelowna "Business Licence and Regulation Bylaw No. 7878" and all amendments thereto are hereby repealed effective upon adoption of this Bylaw.

This bylaw may be cited as "Bylaw No. 12585, Business License and Regulation Bylaw No. 12585."

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 23<sup>rd</sup> day of October, 2023.

Adopted by the Municipal Council of the City of Kelowna this

\_\_\_\_\_  
Mayor

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

SCHEDULE A

Business Licence Fees

<b>Administrative Fees:</b>
Initial Application Fee - \$50.00
Late Payment Penalty Fee - \$ 25.00
Licence Change Fee - \$50.00
Licence Re-Inspection fee - \$50.00

**Annual Licence Fees**

Type Code	Licence Category	Annual Licence Fee(s)
1000	<b>ACCOMMODATION SERVICES - Minor</b> Including, but not limited to, bed and breakfast homes, boarding or lodging houses, or group homes. This use does not include short-term rentals.	\$160
1010	<b>ACCOMMODATION SERVICES - Major</b> Long term rental buildings, congregate housing, mobile home parks, campsites, hotels, motels or resorts.	\$250
1020	<b>ADULT SERVICES</b> Including body-rub, body rub parlour, body-painting studio, social escort services, and dating agencies.	\$1,000
1030	<b>ALCOHOL PRODUCTION FACILITIES</b> Facilities where alcoholic beverages or alcohol products with alcoholic content exceeding 1% by volume are produced. The public tasting and retail sale of alcoholic product is limited to that which is produced on-site.	\$250
1040	<b>AUTOMOTIVE AND EQUIPMENT SALES, SERVICE AND/OR RENTALS</b> Including, but not limited to, automobile dealerships, transmission shops, muffler shops, tire shops, automotive glass shops, autobody repair, paint shops, upholstery shops, and car washes. As well as the sale, rental, service, or repair of heavy vehicles, machinery, or mechanical equipment.	\$160
1050	<b>BUSINESS BY A NON-PROFIT</b> Including, but not limited to, second-hand dealer or thrift store, boarding or lodging houses, group home and care facilities, liquor private clubs, long-term rental buildings, vendor markets, and temporary shelter services operated by a non-profit agency or public authority.	\$100

1060	<p><b>CHILDCARE CENTRE, DAY CARE AND/OR BABY-SITTING SERVICE</b> Any person operating a childcare centre, day nursery, nanny or baby-sitting service.</p>	\$160
1070	<p><b>CONTRACTOR</b> Any person who does work, performs a service or supplies material in contractor trades such as bricklaying/masonry, building, ceiling, cement/concrete, drywall, eaves trough, landscaping, tree topping, 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.</p>	\$160
1080	<p><b>CULTURAL, RECREATIONAL AND ENTERTAINMENT SERVICES</b> Including, but not limited to, community halls, social clubs, private clubs, art galleries, auditoriums, cinemas, concert halls, creative or performing artists, personal trainers, athletic clubs, health and fitness clubs, swimming pools, rifle and pistol ranges, bowling alleys, amusement arcades, racquet clubs, golf clubs, and stables.</p>	\$160
1090	<p><b>FOOD PRIMARY ESTABLISHMENTS AND FOOD SERVICES</b> Including, but not limited to, licensed restaurants, theatre restaurants, banquet facilities, cafes, delicatessens, tea rooms, lunchrooms, refreshment stands, take-out restaurants, bakeries, and caterers.</p>	\$160
1100	<p><b>GAMING FACILITY</b> Any casino, bingo, gaming centre or other place approved by the British Columbia Gaming Commission for the conduct of gaming activities.</p>	\$500
1110	<p><b>GAS BAR</b> Including the sale of motor fuel, lubricating oils, automotive fluids and associated convenience store products, and may include car wash or washing of vehicles as an accessory use.</p>	\$500
1120	<p><b>HEALTH AND MEDICAL SERVICES</b> Including, but not limited to, medical and dental offices, chiropractors, massage therapists, acupuncture clinics, health clinics, counselling services, care aids, senior support services, personal coaches, holistic health services, laboratories, and private hospitals. This use does not include the retail sale or dispensing of cannabis.</p>	\$160
1130	<p><b>LIQUOR PRIMARY CABARET</b> Dance club, night club, adult entertainment, or other business where the primary purpose is the sale and service of alcoholic beverages to the public for consumption on the <b>premises</b>.</p>	\$1000

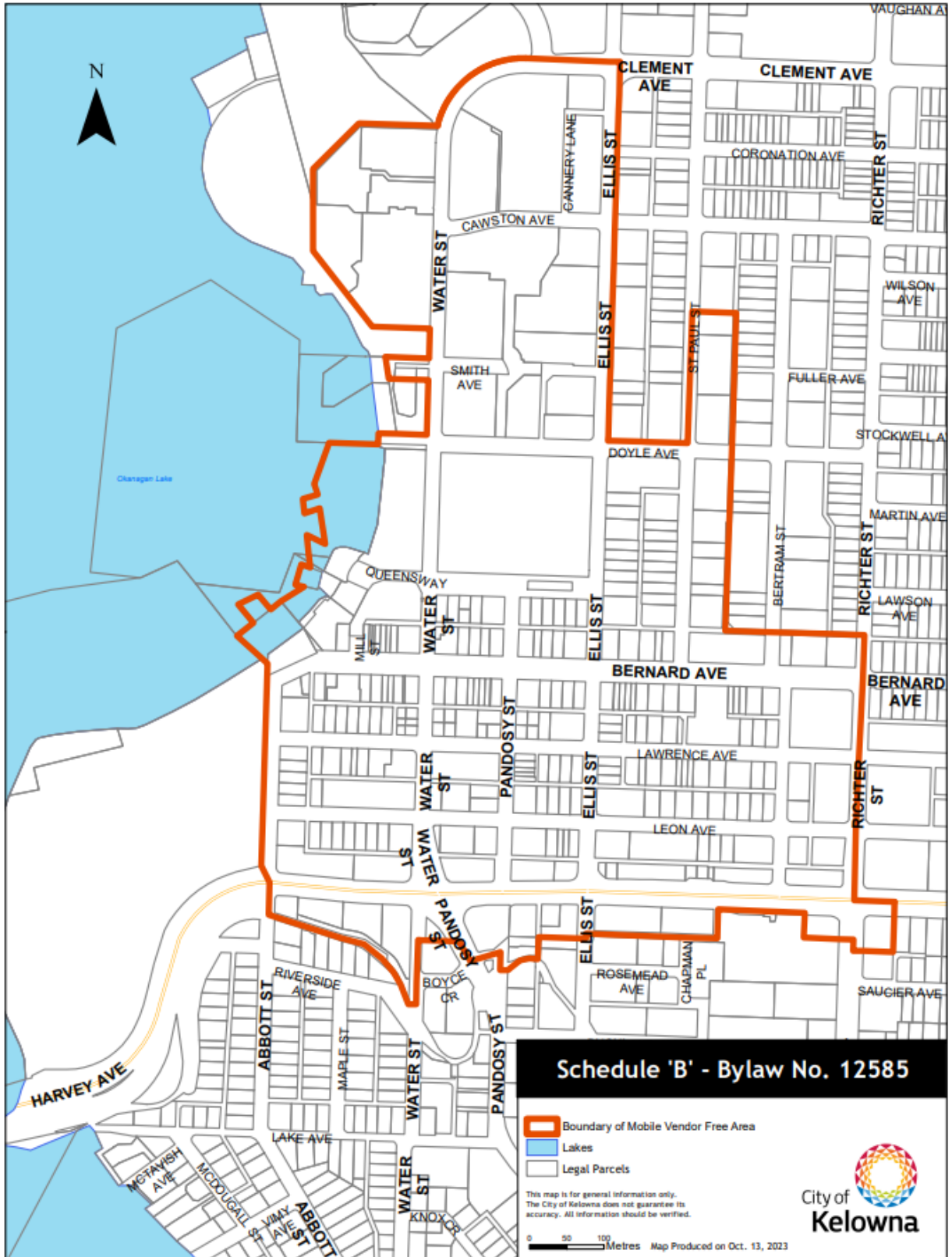
1140	<b>LIQUOR PRIMARY ESTABLISHMENTS</b> An establishment primarily intended for the provision and consumption of alcoholic beverages on the <b>premises</b> . This use does not include liquor primary cabarets.	\$250
1150	<b>LIQUOR RETAIL</b> Including, but not limited to a business that sells or offers beer, wine, coolers, ciders, and, packaged liquor for consumption off the <b>premises</b> .	\$650
1160	<b>MANUFACTURING</b> The 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 textiles and clothing, chemical and pharmaceuticals, (excluding alcohol production or the processing of cannabis or cannabis derivatives) computer and electronic products, printing operators, concrete manufacturers, machine shop, welding shop, saw mill, steel/metal fabricators, furniture making, paper or wood product plants, and plastic and rubber processing plants. The holder of a licence under this category shall also be permitted to sell their manufactured products by retail without taking out any further licence.	\$160
1170	<b>MARINA, MOORING, MARINE EQUIPMENT RENTALS, AND/OR MARINE BASED TOURS</b> Marina and mooring services, marine equipment rentals, and/or marine based tours for powerboat, jet boat, jet ski, or other related motorized or non-motorized watercraft, and water related activity including, but not limited to, flyboard, inflatable vessels, stand up paddleboards (SUP), peddle boats, canoes, and kayaks.	\$160
1180	<b>MOBILE STORE</b> Including, but not limited to food trucks, food trailers, and mobile retailers whereby the goods are offered for sale via a vehicle or thing that is intended to be mobile.	\$250
1190	<b>NATURAL RESOURCE EXTRACTION</b> Including, but not limited to quarries, gravel pits, and stripping of topsoil.	\$160
1200	<b>PARKING LOT</b> Parking space rentals, including, but not limited to parking lots and parkades.	\$160
1210	<b>PAWNBROKER AND SECOND-HAND DEALERS</b> Pawnbroker as defined and regulated under the <i>Second-Hand Dealer and Pawnbroker Regulation Bylaw No. 9227</i> as amended or replaced from time to time.	\$500
1220	<b>SALES</b>	\$160



	Including, but not limited to, retail, wholesale, online and direct marketing sales of goods other than liquor and cannabis.	
1230	<b>SALES – FARM RETAIL</b> Sales of agricultural products.	\$100
1240	<b>SERVICES</b> Including, but not limited to, professional services, financial services, personal services, barber shops, hairdressers, tattoo parlours, manicurists, tailors, dress makers, shoe repair shops, dry cleaning establishments, laundromats, financial services, business support services, broadcasting studios, publishers, funeral services, animal and pet services, real estate services, household repair services, rental and leasing services, janitorial services, education services, travel services, utility services, and information technology services.	\$160
1250	<b>SPECIAL EVENT</b> Special event including, but not limited to, a public show, cultural performance, awareness walks, exhibition or other similar event. <b>*Fees are charged per day.</b>	\$50
1260	<b>TOWING SERVICES</b> The operation of a tow truck in order to provide towing assistance to other vehicles.	\$160
1270	<b>TRADE SHOW</b> Trade show organization and operation where the participating merchants offer their goods, wares or merchandise for retail sale or wholesale, 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. <b>*Fees are charged per trade show</b>	\$500
1280	<b>TRANSPORTATION NETWORK SERVICES</b> Vehicle ride-hailing service as defined by the Passenger Transportation Act, SBC 2004, c39 as amended or replaced from time to time.	\$500
1290	<b>TRANSPORTATION SERVICES</b> Including passenger transportation services and cargo transportation services but not including transportation network services.	\$160
1300	<b>VENDING MACHINES AND AUTOMATED TELLER MACHINES (ATMs)</b> For each vending machine and each automated teller machine other than those located within a financial institution.	\$50
1310	<b>VENDOR MARKETS</b> The organization and operation of a market consisting of more than three (3) merchants, vendors or participants, to	\$500

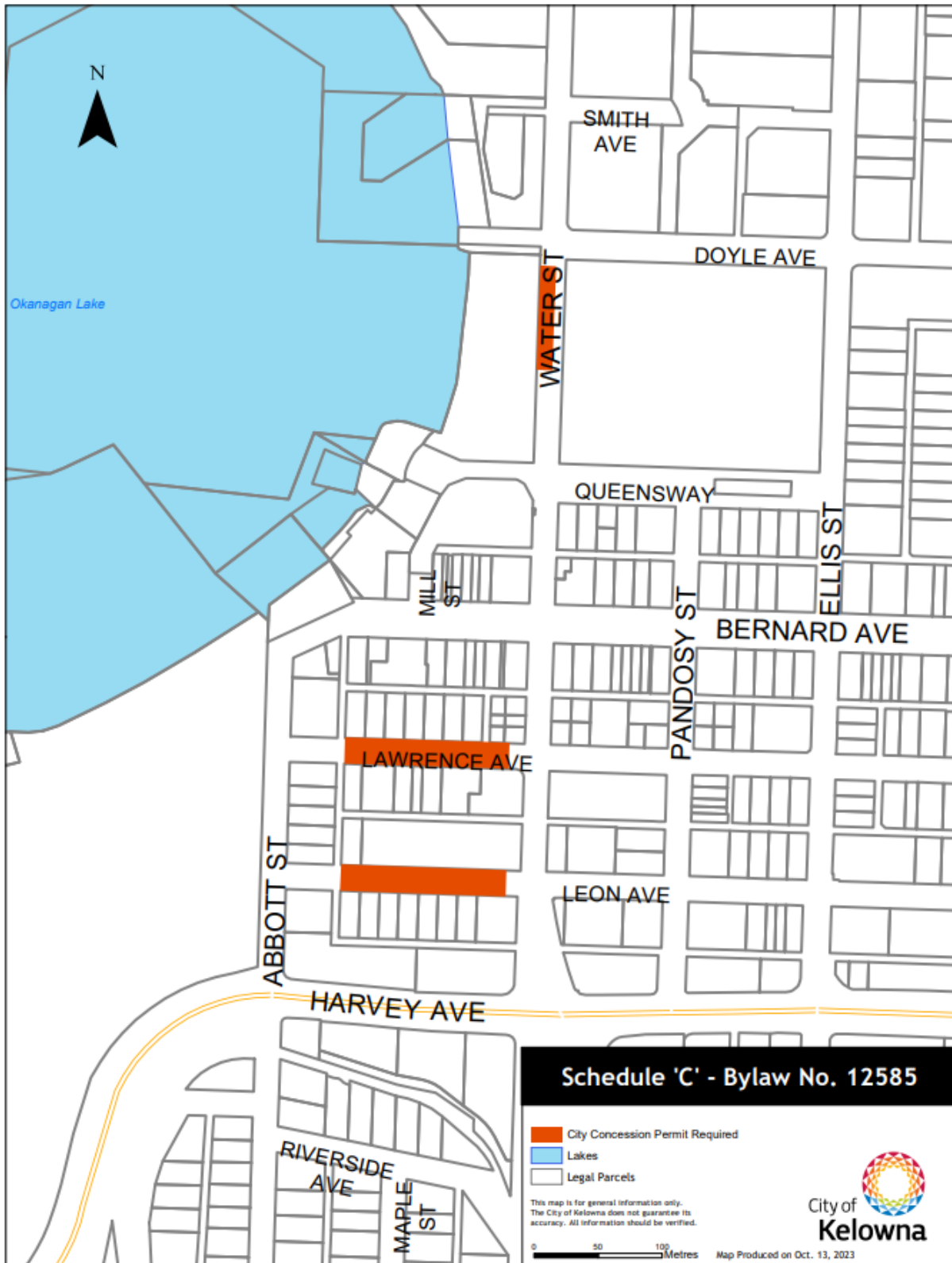
	gather in one location in the open-air or building to offer handicrafts, produce and vegetables, food, new and used goods, wares, or merchandise for sale. A licence issued for such a vendor market includes all merchants, vendors or participants registered to take part in the vendor market.	
1320	<b>WAREHOUSING AND STORAGE</b> Including, but not limited to, warehouse storage of products or goods, commercial storage, and boat storage.	\$160

Boundary of Mobile Vendor Restriction Map



SCHEDULE C

Mobile Stores – map of designated concession areas downtown





# CITY OF KELOWNA

## BYLAW NO. 12586

### Amendment No. 36 to the Bylaw Notice Enforcement Bylaw No. 10475

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Bylaw Notice Enforcement Bylaw be amended as follows:

1. THAT **Schedule A, Bylaw Notice Enforcement Bylaw No. 10475** be amended by deleting the following:

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available (*Maximum 50% Reduction in Penalty Amount Where Compliance Agreement is Shown as "Yes")
<b>Business Licence Bylaw No. 7878</b>						
7878	4.4	Carry on business without a licence	\$500.00	\$450.00	\$500.00	Yes
7878	8.1	Transfer a business without approval	\$100.00	\$90.00	\$110.00	Yes
7878	8.2	Fail to pay transfer fee	\$50.00	\$45.00	\$55.00	No
7878	9.1	Use contrary to issued licence	\$500.00	\$450.00	\$500.00	Yes
7878	11.1	Change business without paying fee	\$100.00	\$90.00	\$110.00	No
7878	11.2	Change business without new licence	\$100.00	\$90.00	\$110.00	No
7878	13.1	Fail to display business license	\$50.00	\$45.00	\$55.00	No
7878	15.1	Prohibit entry of License Inspector	\$500.00	\$450.00	\$500.00	No
7878	17.1	Carry on business in prohibited area	\$150.00	\$125.00	\$175.00	Yes
7878	17.2	Fail to keep space clean	\$100.00	\$90.00	\$110.00	Yes

Social Escort Service						
7878	18.1(a)	Fail to supply employee information	\$100.00	\$90.00	\$110.00	Yes
7878	18.1(b)	Fail to notify of employee change	\$100.00	\$90.00	\$110.00	Yes
7878	18.1(c)	Fail to keep record	\$100.00	\$90.00	\$110.00	No
7878	18.1(d)	Fail to obtain approval for employment	\$100.00	\$90.00	\$110.00	Yes
7878	18.1(e)	Employ a person under 19 years of age	\$100.00	\$90.00	\$110.00	No
Dating Service						
7878	19.1(a)	Fail to supply employee information	\$100.00	\$90.00	\$110.00	Yes
7878	19.1(b)	Fail to notify of employee change	\$100.00	\$90.00	\$110.00	Yes
7878	19.1(c)	Fail to keep record	\$100.00	\$90.00	\$110.00	No
7878	19.1(d)	Employ a person under 19 years of age	\$100.00	\$90.00	\$110.00	No
Body Rub						
7878	20.1 (a)	Fail to supply employee information	\$100.00	\$90.00	\$110.00	Yes
7878	20.1 (b)	Fail to notify of employee change	\$100.00	\$90.00	\$110.00	Yes
7878	20.1 (c)	Employ a person under 19 years of age	\$100.00	\$90.00	\$110.00	No
7878	20.1 (d)	Permit a person under 19 years of age on premises	\$100.00	\$90.00	\$110.00	No
Towing Service						
7878	22.1	Solicit a Tow Destination from an Accident Scene	\$100.00	\$90.00	\$110.00	No
7878	22.2	Offer Tow Services at an Accident Scene	\$100.00	\$90.00	\$110.00	No
7878	22.3	Fail to keep record	\$100.00	\$90.00	\$110.00	No
7878	22.4	Offer Tow Services at Roadside Check	\$100.00	\$90.00	\$110.00	No

And replace with:

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available (*Maximum 50% Reduction in Penalty Amount Where Compliance Agreement is Shown as "Yes")
<b>Business Licence Bylaw No. 7878</b>						
7878	3.1	Carry on business without a licence	\$500.00	\$450.00	\$500.00	Yes
12585	3.7	Marketing a business without a valid business licence	\$500.00	\$450.00	\$500.00	Yes
7878	5.15	Transfer a business without approval	\$100.00	\$90.00	\$110.00	Yes
7878	5.16	Fail to pay transfer fee	\$50.00	\$45.00	\$55.00	No
7878	3.9	Use contrary to issued licence	\$500.00	\$450.00	\$500.00	Yes
7878	5.15	Change business without paying fee	\$100.00	\$90.00	\$110.00	No
7878	3.8	Change business without new licence	\$100.00	\$90.00	\$110.00	No
7878	5.8	Fail to display business license	\$50.00	\$45.00	\$55.00	No
7878	7.3	Prohibit entry of License Inspector	\$500.00	\$450.00	\$500.00	No
7878	8.7	Carry on business in prohibited area	\$150.00	\$125.00	\$175.00	Yes
7878	8.8	Fail to keep space clean	\$100.00	\$90.00	\$110.00	Yes
<b>Adult Services Business</b>						
7878	8.2(a)	Fail to supply employee information	\$100.00	\$90.00	\$110.00	Yes
7878	8.3(c)	Fail to notify of employee change	\$100.00	\$90.00	\$110.00	Yes
7878	8.3(b)	Fail to keep record	\$100.00	\$90.00	\$110.00	No
7878	8.3(d)	Fail to obtain approval for employment	\$100.00	\$90.00	\$110.00	Yes
7878	8.2(a)	Employ a person under 19 years of age	\$100.00	\$90.00	\$110.00	No

Towing Service						
7878	8.14	Solicit a Tow Destination from an Accident Scene	\$100.00	\$90.00	\$110.00	No
7878	8.15	Offer Tow Services at an Accident Scene	\$100.00	\$90.00	\$110.00	No
7878	8.15	Offer Tow Services at Roadside Check	\$100.00	\$90.00	\$110.00	No

2. This bylaw may be cited for all purposes as "Bylaw No. 12586, being Amendment No. 36 to the Bylaw Notice Enforcement Bylaw No. 10475."
3. This bylaw shall come into full force and effect and is binding on all persons, upon the date of adoption.

Read a first, second and third time by the Municipal Council this 23<sup>rd</sup> day of October, 2023.

Adopted by the Municipal Council of the City of Kelowna this

\_\_\_\_\_ Mayor

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



# Report to Council



**Date:** November 27, 2023  
**To:** Council  
**From:** City Manager  
**Subject:** Amendment to Airport Fees and Charges Bylaw 7982  
**Department:** Kelowna International Airport

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**Recommendation:**

THAT COUNCIL receive for information the report of the Kelowna International Airport dated November 27, 2023;

AND FURTHER THAT Bylaw No. 12597 being Amendment No. 41 to the City of Kelowna Airport Fees Bylaw 7982 be advanced for reading consideration.

**Purpose:**

To obtain Council’s approval to amend the Kelowna International Airport’s Fees Bylaw No. 7982.

**Background:**

Landing and Terminal Fees

Due to inflationary pressures that have been experienced since 2020, the Airport is recommending a 3% increase to its Landing Fees and Terminal Fees, as shown below, effective January 1, 2024. Kelowna International Airport (the Airport) has not implemented a Landing and Terminal Fee increase since 2020.

The Airport remains committed to its low-cost business model and continues to look for ways to increase non-aeronautical revenues in order to keep aeronautical fees as low as possible.

Landing Fees (Jet and Turbine Aircraft)

	Current	Proposed
Cost per 1,000 kg or fraction thereof of maximum take-off weight	\$6.63	\$6.83

*Terminal Fees*

<b>Number of Passengers</b>	<b>Current</b>	<b>Proposed</b>
01-09	\$13.62	\$14.03
10-15	\$32.45	\$33.42
16-25	\$50.14	\$51.64
26-45	\$88.01	\$90.65
46-60	\$125.32	\$129.08
61-89	\$199.96	\$205.96
90-125	\$275.35	\$283.61
126-150	\$325.58	\$335.35
151-200	\$450.06	\$463.56
201-250	\$586.69	\$604.29
251-300	\$723.19	\$744.89
301-400	\$864.39	\$890.32
Over 400	\$1,065.51	\$1,097.48

*Future Inflationary Increases*

The Airport is further recommending the Airport’s Fees Bylaw No. 7982 be amended to provide the Airport the ability to increase the Landing and Terminal Fees in subsequent years by no more than the 12 month average increase in the British Columbia, all items consumer price index for the preceding 12 months ended June 30. Any increase would become effective the first day of the calendar year.

*Land Rental Rates*

The Airport is recommending that the Land Rental Rates section of Bylaw 7982 be amended to the following:

*Land rental rates for airport leases and sub-leases will be based on current market value as determined by an independent appraisal for the initial year of the term, plus annual increases of 2% per annum for the balance of the term beyond the first year, and/or with the ability to align land rental rates with current market value every five years.*

This recommended change will provide additional flexibility in negotiating increases to rental rates.

*Taxis, Transportation Network Services and Limousines*

The Airport is recommending that the \$50 annual licence fee per vehicle for taxi and transportation network services be removed from Bylaw 7982 as a new tracking system is being implemented at the Airport that will reduce administration costs.

*Previous Airport Advisory Committee Recommendation*

<b>Recommendation</b>	<b>Date</b>
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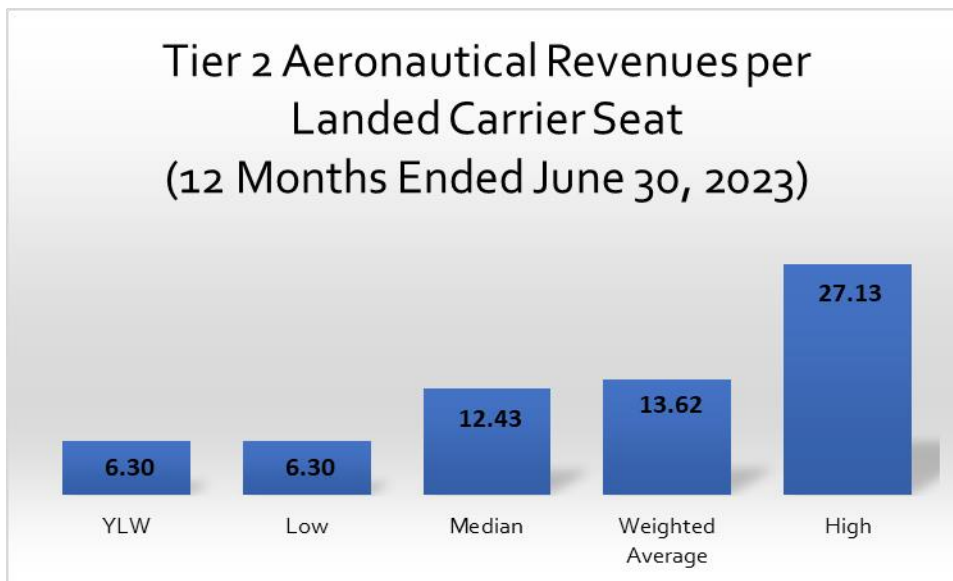
AND THAT the Airport Advisory Committee supports obtaining the approval of Council for the amendment to the Airport Fees and Charges Bylaw No. 7982 to

November 15, 2023

- increase landing and terminal fees by 3% effective January 1, 2024,
  - increase landing and terminal fees by up to the BC all items consumer price index for future years,
  - remove the \$50 annual taxi and transportation network services licensing fee, and
  - update the land rental rate language
- as presented to the Airport Advisory Committee on November 15, 2023.

**Discussion:**

With a 3 percent increase, the Airport’s Aeronautical Revenues per Landed Air Carrier Seat would still be among the lowest in comparison to the Tier 1 and Tier 2 airports that participate in the Canadian Airports Information Sharing (CAIS) program, as shown below. If increased, the Airport’s Landing Fees and Terminal Fees would remain aligned with the Airport’s low-cost business model.



## Tier 1 & 2 Aeronautical Revenues per Landed Carrier Seat (12 Months Ended June 30, 2023)



### Conclusion:

The Airport is recommending that Bylaw No. 7982 be amended to increase Landing and Terminal Fees by 3% effective January 1, 2024, and to provide the Airport the ability to increase the Landing and Terminal Fees in subsequent years to keep pace with inflation. The Airport further recommends amending the Land Rental Rates to provide more flexibility in negotiating rental increases and removing the taxi and transportation network services \$50 annual licence fee.

### Internal Circulation:

City Clerk  
Communications  
Financial Services

### Considerations applicable to this report:

#### *Financial/Budgetary Considerations:*

If approved, the 2024 Financial Plan will incorporate these fee adjustments.

#### Considerations not applicable to this report:

*Legal/Statutory Authority:*

*Legal/Statutory Procedural Requirements:*

*Existing Policy:*

*Consultation and Engagement:*

*Communications Comments:*

Submitted by: S. Dyrdal, Director Finance and Corporate Services

Approved for inclusion:

SS
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cc:

P. Patel, Airport Finance Manager

T. McQueenie, Airport Corporate Services Manager

C. Brannagan, Communications Advisor

M. Friesen, Controller

## Schedule A – Proposed Text Amendments

No.	Section	Current Wording	Proposed Wording	Reason for Change
1.	<b>Section 1. Aircraft Landing Fees</b>	Lists Aircraft Landing Fees effective from 2020.	<p>List changes to Aircraft Landing Fees effective from 2024.</p> <p><u>Aircraft landing fees may be subject to an annual increase effective at the beginning of the calendar year which is no more than the 12 month average increase in the BC, all items consumer price index for the 12 months ended June 30 of the prior year. Annual adjustments not resulting in an amendment may be compounded for future years.</u></p>	Increase to Landing Fees due to inflationary pressures.
2.	<b>Section 2.0 General Terminal Fees</b>	Lists General Terminal Fees effective from 2020.	<p>List only General Terminal Fees effective from 2024.</p> <p><u>General Terminal Fees may be subject to an annual increase effective at the beginning of the calendar year which is no more than the 12 month average increase in the BC, all items consumer price index for the 12 months ended June 30 of the prior year. Annual adjustments not resulting in an amendment may be compounded for future years.</u></p>	Increase to General Terminal Fees due to inflationary pressures.
3.	<b>Section 12.0 Land Rental Rates</b>	Land rental rates for airport leases and sub-leases will be based on current market value as determined by an independent appraisal for the initial year of the term, plus annual increases of 2 percent per annum for the balance of the term beyond the first year, with the	Land rental rates for airport leases and sub-leases will be based on current market value as determined by an independent appraisal for the initial year of the term, plus annual increases of 2% per annum for the	To provide additional flexibility when negotiating increases to land rental rates.

		ability to align land rental rates with current market value every five years.	balance of the term beyond the first year, <u>and/or</u> with the ability to align land rental rates with current market value every five years.	
4.	<b>Section 17. Taxis, Transportation Network Services and Limousines</b>	Effective May 1, 2020 17.1 Taxi and Transportation Network Services (TNS) Annual Licence fee-per vehicle \$50.	Effective January 1, 2024 <b>Remove</b> section <u>17.1 Taxis and Transportation Network Services (TNS) Annual Licence Fee \$50.00</u>	Remove the \$50 per vehicle annual fee as a new tracking system is being implemented that will reduce administration costs.
5.	<b>Various sections</b>	Airport Director	<u>Airport Chief Executive Officer</u>	Update to title of Accountable Executive.



**YLW**

Kelowna International Airport

# Airport Fees Bylaw 7982 Amendment

November 27, 2023



# Amend Airport Fees Bylaw 7982

## ▶ Recommendation

### ▶ Bylaw 7982 amendment

- ▶ Landing and terminal fees - 3% increase
  - ▶ Future inflationary increase
- ▶ Remove \$50 annual licence fee for Transportation Network Service providers
- ▶ Update language for land rental rates

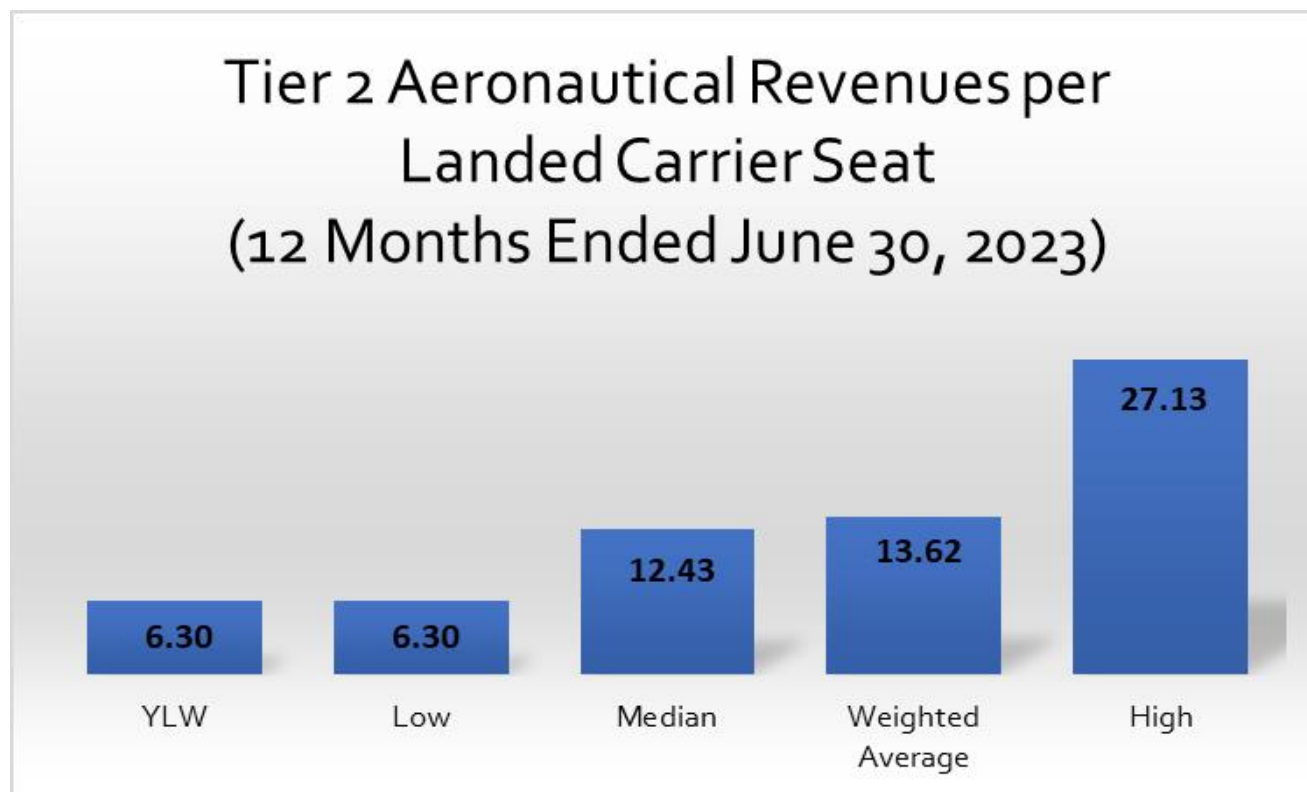
# Amend Airport Fees Bylaw 7982

## ► Landing Fees and Terminal Fees



# Amend Airport Fees Bylaw 7982

## ► Landing Fees and Terminal Fees





*Questions?*

For more information, visit [ylw.kelowna.ca](http://ylw.kelowna.ca).



# CITY OF KELOWNA

## BYLAW NO. 12597

### Amendment No. 41 to Airport Fees Bylaw No. 7982

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Airport Fees Bylaw No. 7982 be amended as follows:

1. THAT all references in the bylaw to "Airport Director" are replaced with "Airport Chief Executive Officer";

2. AND THAT **Section 1.0 AIRCRAFT LANDING FEES**, 1.7 be added as follows:

"Effective January 1, 2024: Aircraft landing fees may be subject to an annual increase effective at the beginning of the calendar year which is no more than the 12 month average increase in the BC, all items consumer price index for the 12 months ended June 30 of the prior year. Annual adjustments not resulting in an amendment may be compounded for future years.";

3. AND THAT **Section 2.0 GENERAL TERMINAL FEES**, have the following added to the end of the section:

"Effective January 1, 2024: General Terminal Fees may be subject to an annual increase effective at the beginning of the calendar year which is no more than the 12 month average increase in the BC, all items consumer price index for the 12 months ended June 30 of the prior year. Annual adjustments not resulting in an amendment may be compounded for future years.";

4. AND THAT **Section 12.0 LAND RENTAL RATES** be amended by adding "and/or" after "2 % per annum for the balance of the term beyond the first year,";

5. AND FURTHER THAT **Section 17.0 TAXIS, TRANSPORTATION NETWORK SERVICES AND LIMOUSINES**, 17.1 be deleted as follows:

17.1	Taxi and Transportation Network Services (TNS) Annual licence fee – per vehicle	\$50.00	
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6. This bylaw may be cited for all purposes as "Bylaw No. 12597, being Amendment No. 41 to Airport Fees Bylaw No. 7982."

7. This bylaw shall come into full force and effect and is binding on all persons as of January 1, 2024.

Read a first, 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:** November 27, 2023  
**To:** Council  
**From:** City Manager  
**Subject:** Housing Accelerator Fund Overview  
**Department:** Partnerships Office

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**Recommendation:**

THAT Council receives, for information, the report from the Partnerships Office dated November 27, 2023, with respect to the Housing Accelerator Fund Overview;

AND THAT the Financial Plan be amended to include the receipt of funds.

**Purpose:**

To provide Council an overview of the Housing Accelerator Fund, a recently approved grant valued at \$31,558,610 from the Government of Canada.

**Council Priority Alignment:**  
**Affordable Housing**

**Background:**

This spring, the Government of Canada announced the Housing Accelerator Fund (HAF) which provides incentive funding to local governments encouraging initiatives aimed at accelerating housing supply. The funding is also aimed at supporting the development of complete, low-carbon and climate-resilient communities that are affordable, inclusive, equitable and diverse.

On October 25th the Honourable Sean Fraser, Federal Minister of Housing, Infrastructure and Communities, was in Kelowna to announce the City of Kelowna’s successful HAF grant application with an associated value of \$31,558,610. Kelowna is the first BC community to receive this federal funding, and one of the first cohorts nationally.

The intention of the funding is to create transformational and long-lasting systems changes to accelerate housing in communities. This funding is to facilitate housing of diverse forms and tenures, in locations that contribute to a complete and compact community, to create a sustainable housing stock for decades to come.

**Discussion:**

As part of the funding requirements, local governments must commit to the following:

- Implementing a minimum of seven housing initiatives to accelerate housing through long-lasting systems changes;
- Commit to housing supply growth targets within the action plan that increases the average annual rate of growth by at least 10%; and
- Complete a Housing Needs Assessment.

In September of this year, Council approved the 2021-2031 Housing Needs Assessment identifying the current and future housing needs of our community. Therefore, the remainder of the City's commitment to this funding program falls to implementing the HAF initiatives and meeting the supply growth targets.

Through a one-team approach, cross-department City staff with expertise in housing, real estate, and information services developed the grant application, including outlining the HAF initiatives. The City of Kelowna's seven HAF initiatives include the following:

1. Implementing the infill housing options program.
2. Adjusting regulations to incentivize private sector housing development.
3. Transit Supportive Corridor Planning.
4. Affordable housing on City-owned land.
5. Establishing new housing partnerships and affordable housing delivery.
6. Investing in infrastructure to unlock housing.
7. Leveraging new technology to improve processing and data management.

As part of the HAF, the City completed an analysis of building permitting data over both a 5- and 10-year permitting period. Using that analysis, it was projected that the City would achieve 6,480 housing units without the HAF funding, and 7,430 units with the HAF funding, which equates to an additional 950 units achieved.

The HAF further outlines the following housing targets for the community over the next three years (defined as units that receive a building permit):

- 2,771 missing middle housing units (ground-oriented housing types including garden suites, secondary suites, duplexes, triplexes, fourplexes, row houses, courtyard housing, low-rise apartments less than 4 storeys)
- 4,180 other multi-unit housing units (all other multi-unit housing excluding missing middle)
- 479 other housing units (single family units without suites)

Of the above units, 416 need to be affordable housing units in our community.

The grant funds can be used for prescribed uses only, which fall under four categories:

- 1) Investments in Housing Accelerator Fund action plans,
- 2) Investments in affordable housing,
- 3) Investments in housing-related infrastructure, and/or
- 4) Investments in community-related infrastructure that supports housing.

This funding will be utilized to activate and complete the seven initiatives above as well as accelerate

housing through the approved incentive funding options above. The grant funding will be received in 25% annual installments. The final installment in 2026/2027 is contingent on the above housing targets being met.

Staff are collaborating internally on a governance structure and associated resourcing requirements to ensure this significant grant is executed on time, with all requirements implemented and targets achieved. The HAF team will include a Project Manager and a Senior Leadership Steering Committee who will provide support and oversight on the grant. Council will be kept apprised of the progress through annual HAF reports as well as through interim updates such as the Planning and Development Statistics Quarterly Report.

**Conclusion:**

This opportunity provides the City of Kelowna critical funding to make long-lasting changes to accelerate housing through adjusting regulations and systems, as well as investing in land and infrastructure for affordable housing. This funding allows the City to advance more housing without increased taxation for these initiatives.

**Internal Circulation:**

Planning, Climate Sustainability and Development Services  
Partnerships & Investments  
Corporate Strategic Services  
Financial Services  
Infrastructure

**Considerations applicable to this report:**

***Communications Comments:***

This announcement was shared with the public through a Government of Canada news release on October 25, 2023 and subsequent social media posts, including the City of Kelowna's social media posts.

**Considerations not applicable to this report:**

***Legal/Statutory Authority:***

***Legal/Statutory Procedural Requirements:***

***Existing Policy:***

***Financial/Budgetary Considerations:***

***Consultation and Engagement:***

Submitted by:

M. Kam, Grants & Special Projects Coordinator

**Approved for inclusion:** B. Evans, Partnerships Director





# Housing Accelerator Fund Overview

November 27, 2023

# Housing Accelerator Fund (HAF)

- ▶ Provides incentive funding to local governments encouraging initiatives aimed at increasing housing supply



Implementation of initiatives to get **more homes built faster**



**Speed up** approvals and building processes



Development of **complete** communities



Development of **affordable, inclusive, equitable and diverse** communities



Development of **low-carbon and climate-resilient** communities.



# HAF Announcement

The Honourable Sean Fraser

Canada's Minister of Housing, Infrastructure and Communities



City of Kelowna

# Housing Accelerator Fund

**\$31,558,610**

contribution from the Government of Canada  
to the City of Kelowna





# HAF Requirements



Implement seven housing initiatives



Commit to housing supply growth targets



Complete a Housing Needs Assessment

# Initiatives

1. Implementing the infill housing options program.
2. Adjusting regulations to incentivize private sector housing development.
3. Transit Supportive Corridor Planning.
4. Affordable housing on City-owned land.
5. Establishing new housing partnerships and affordable housing delivery.
6. Investing in infrastructure to unlock housing.
7. Leveraging new technology to improve processing and data management.

# Housing Targets

2,771

- missing middle housing units

4,180

- other multi-unit housing units

416

- affordable housing units



# Incentive Funding

1. Housing Accelerator Fund Action Plan
2. Affordable housing
3. Housing-related infrastructure
4. Community-related infrastructure





# Grant Funding Timeline

	Year	amount
First	Current	\$7.9 m
Second	April 2024	\$7.9 m
Third	April 2025	\$7.9 m
Fourth *contingent on targets being met	April 2026	\$7.9 m

# Next Steps

- ▶ Project management and governance
- ▶ Allocate resources
- ▶ Undertake initiatives
- ▶ Annual reporting





*Questions?*

For more information, visit [kelowna.ca](http://kelowna.ca).