

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



Monday, January 13, 2025  
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 - 9

PM Meeting - December 9, 2024

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

**3.1 Saucier Rd 2360 - A24-0013 FH24-0002 - Catspaw Management Co. Ltd., Inc.No. 155100**

10 - 48

To support an application to the Agricultural Land Commission for a Non-Adhering Residential Use Permit to allow Temporary Farm Worker Housing to accommodate 18 seasonal workers on the subject property.

**3.2 Wardlaw Ave 667, 681 - Z24-0039 (BL12736) - 15017807 Canada Inc., Inc.No. A0127722**

49 - 65

To rezone the subject properties from the UC5 – Pandosy Urban Centre zone to the UC5r – Pandosy Urban Centre Rental Only zone to facilitate apartment housing.

**3.3 Brookside Ave 1230 - Z24-0054 (BL12737) - City of Kelowna**

66 - 83

To rezone the subject property from the UC2 – Capri-Landmark Urban Centre zone to the UC2r – Capri-Landmark Urban Centre Rental Only zone to facilitate apartment housing.

**3.4 Enterprise Way 2009 - Z24-0052 (BL12738) - WGP-241 Holdings Ltd., Inc.No. 665182**

84 - 99

To rezone the subject property from the CA1 – Core Area Mixed Use zone to the CA1rcs – Core Area Mixed Use Retail Cannabis Sales zone to facilitate a retail cannabis sales establishment.

- 3.5 Rutland Rd N 920 - TA24-0011 (BL12739) - Amarjit Kaur Dhani and Sukhbir Singh Dhani** 100 - 121
- To amend the Zoning Bylaw with a Site-Specific Text Amendment to reduce the minimum density for the subject property fronting onto a Transit Supportive Corridor for lots without a lane, from a min. 1,600 m2 lot area required to 770 m2 lot area proposed.
- 3.6 Rezoning Bylaws Supplemental Report to Council** 122 - 123
- To receive a summary of notice of first reading for Rezoning Bylaws No. 12732 and 12735 and to give the bylaws further reading consideration.
- 3.7 Rezoning Applications**
- To give first, second and third reading to rezoning applications.
- The following bylaws will be read together unless Council wants to separate one of the bylaws.
- 3.7.1 Wilkinson St 2160 - BL12732 (Z24-0042) - Wilkinson St Holdings Ltd., Inc.No. BC1321697** 124 - 124
- To give Bylaw No. 12732 first, second and third reading in order to rezone the subject property from the MF<sub>1</sub> – Infill Housing zone to the MF<sub>3r</sub> – Apartment Housing Rental Only zone.
- 3.7.2 Cadder Ave 789, 809 - BL12735 (Z24-0045) - Multiple Owners** 125 - 125
- To give Bylaw No. 12735 first, second and third reading in order to rezone the subject properties from the MF<sub>1</sub> – Infill Housing zone to the MF<sub>3</sub> – Apartment Housing zone.
- 3.8 Lynrick Rd 1702 - OCP23-0011 Z22-0028 - Extension Request** 126 - 127
- To extend the deadline for adoption of Official Community Plan Amending Bylaw No. 12603 and Rezoning Bylaw No. 12604 to January 16, 2026.
- 4. Bylaws for Adoption (Development Related)**
- 4.1 St. Paul St 1428 - BL12691 (Z24-0025) - City of Kelowna** 128 - 128
- To adopt Bylaw No. 12691 in order to rezone the subject properties from the UC<sub>1</sub> – Downtown Urban Centre zone to the UC<sub>1r</sub> – Downtown Urban Centre Rental Only zone.
- 4.2 Osprey Ave 459 - BL12717 (Z24-0034) - 1347431 B.C. Ltd., Inc.No. BC1347431** 129 - 129
- To adopt Bylaw No. 12717 in order to rezone the subject property from the UC<sub>5</sub> – Pandosy Urban Centre zone to the UC<sub>5r</sub> – Pandosy Urban Centre Rental Only zone.

<b>4.3</b>	<b>Houghton Rd 1028-1030 - BL12729 (Z23-0008) - Helene L. M. Letnick</b>	<b>130 - 130</b>
	To adopt Bylaw No. 12729 in order to rezone the subject property from the MF1 – Infill Housing zone to the MF2 – Townhouse Housing zone.	
<b>5.</b>	<b>Non-Development Reports &amp; Related Bylaws</b>	
<b>5.1</b>	<b>Draft Heritage Conservation Area Development Guidelines</b>	<b>131 - 177</b>
	To review the draft Heritage Conservation Area Guidelines and next steps in the process.	
<b>5.2</b>	<b>Updates to Council Policy No. 390 - Lobbyist Registry</b>	<b>178 - 188</b>
	To approve amendments to Council Policy No. 390 – Lobbyist Registry.	
<b>6.</b>	<b>Bylaws for Adoption (Non-Development Related)</b>	
<b>6.1</b>	<b>BL12730 - Security Alarm Systems Bylaw</b>	<b>189 - 192</b>
	To adopt Bylaw No. 12730.	
<b>7.</b>	<b>Mayor and Councillor Items</b>	
<b>8.</b>	<b>Termination</b>	



**City of Kelowna  
Regular Council Meeting  
Minutes**

Date:	Monday, December 9, 2024
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Tom Dyas, Councillors Ron Cannan, Maxine DeHart, Charlie Hodge, Gord Lovegrove, Mohini Singh*, Luke Stack, Rick Webber and Loyal Wooldridge
Staff Present	City Manager, Doug Gilchrist; City Clerk, Laura Bentley; Cultural Services Manager, Christine McWillis*; Divisional Director, Planning, Climate Action & Development Services, Ryan Smith*; Planner, Andrew Ferguson*; Development Planning Manager, Trisa Atwood*; Development Planning Manager, Dean Strachan*; Licensing and Systems Improvement Supervisor, Graham March*; Community Safety Director, Darren Caul*; Police Services Branch Manager, Torry White*; Legislative Coordinator Confidential (FOI), Rebecca Van Huizen
Staff Participating Remotely	Legislative Coordinator (Confidential), Arlene McClelland
Guests	Nikki Csek*, Robert Fine*, and Lauren Macauley*, Members, Community Task Force on Performing Arts; David Gazley*, Manager of Protective Services; Jon Cruz*, Staff Sergeant, RCMP Operations

(\* Denotes partial attendance)

**1. Call to Order**

Mayor Dyas called the meeting to order at 1:31 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 Hodge/Seconded By Councillor Wooldridge

THAT the Minutes of the Regular Meetings of December 2, 2024 be confirmed as circulated.

**Carried**

### 3. Committee Reports

#### 3.1 Recommendations from Community Task Force on Performing Arts

Staff:

- Introduced representatives of the Community Task Force on Performing Arts.
- Responded to questions from Council.

Nikki Csek, Robert Fine and Lauren Macauley, Community Task Force Members:

- Displayed a PowerPoint Presentation.
- Provided an overview of the topics and information considered by the Task Force.
- Spoke to the methodology to reach the proposed recommendations.
- Presented recommendations of the Task Force and spoke to next steps.
- Commented that the Task Force would continue on in an advisory capacity to support this work until December 31, 2025.
- Responded to questions from Council.

Councillor Singh joined the meeting at 1:56 p.m.

Moved By Councillor Wooldridge/Seconded By Councillor Webber

THAT Council receives, for information, the report from the Community Task Force on Performing Arts dated December 9, 2024, with respect to community opportunities to grow performing arts opportunities in Kelowna;

AND THAT Council accepts the recommendations of the Community Task Force on Performing Arts, as outlined in the report dated December 9, 2024;

AND FURTHER THAT Council directs staff to report back to Council on a plan for implementing the Task Force's recommendations, including stakeholder integration, location analysis, functional space analysis, and planning and design, as appropriate.

**Carried**

The meeting recessed at 2:10 p.m.

The meeting reconvened at 2:24 pm

### 4. Development Application Reports & Related Bylaws

#### 4.1 Wilkinson St 2160 - Z24-0042 (BL12732) - Wilkinson St Holdings Ltd., Inc. No. BC1321697

Staff:

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

Moved By Councillor Wooldridge/Seconded By Councillor Singh

THAT Rezoning Application No. Z24-0042 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 8 Section 19 Township 26 ODYD Plan 10906, located at 2160 Wilkinson St, Kelowna, BC from the MF1 – Infill Housing zone to the MF3r – Apartment Housing Rental Only 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 Cadder Ave 789, 809 - Z24-0045 (BL12735) - Multiple Owners

Staff:

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

Moved By Councillor Lovegrove/Seconded By Councillor Wooldridge

THAT Rezoning Application No. Z24-0045 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of:

- Lot 39 Section 19 Township 26 ODYD Plan 700, located at 789 Cadder Ave, Kelowna BC; and
- Lot 38 Section 19 Township 26 ODYD Plan 700, located at 809 Cadder Ave, Kelowna, BC

from the MF1 – Infill Housing zone to the MF3 – Apartment 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 December 9, 2024.

Carried  
Councillor Hodge - Opposed

#### 4.3 Rezoning Bylaws Supplemental Report to Council

City Clerk:

- Commented on notice of first reading and correspondence received.

#### 4.4 Houghton Rd 1028-1030 - BL12729 (Z23-0008) - Helene L. M. Letnick

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

THAT Bylaw No. 12729 be read a first, second and third time.

Carried

#### 5. Bylaws for Adoption (Development Related)

##### 5.1 Appaloosa Rd 3199 - BL12705 (Z24-0037) - City of Kelowna

Moved By Councillor Lovegrove/Seconded By Councillor Wooldridge

THAT Bylaw No. 12705 be adopted.

Carried  
Councillor Cannan – Opposed

##### 5.2 Dougall Rd N 165 - BL12724 (Z24-0038) - City of Kelowna

Moved By Councillor Lovegrove/Seconded By Councillor Hodge

THAT Bylaw No. 12724 be adopted.

Carried

## 6. Non-Development Reports & Related Bylaws

### 6.1 Medical Marihuana Business Licence Bylaw Amendments Consultation and Adoption

Staff:

- Displayed a PowerPoint presentation outlining the public notification process, noted that no correspondence was received, and responded to questions from the Council.

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

THAT Council receives, for information, the report from the Business Licence Department dated December 9, 2024, recommending that Council rescind the Medical Marihuana Production Regulation Business Bylaw No. 10920 and consider amendments to the Business Licence and Regulation Bylaw No. 12585 and Bylaw Notice Enforcement Bylaw No. 10475;

AND THAT Bylaw No. 12727, being Amendment No. 1 to Business Licence and Regulation Bylaw, No. 12585 be forwarded for adoption;

AND THAT Bylaw No. 12728, being Amendment No. 37 to Bylaw Notice Enforcement Bylaw No. 10475 be forwarded for adoption.

Carried

### 6.2 BL12727 - Amendment No. 1 to Business Licence and Regulation Bylaw No. 12585

Moved By Councillor Wooldridge/Seconded By Councillor Lovegrove

THAT Bylaw No. 12727 be read adopted.

Carried

### 6.3 BL12728 - Amendment No. 37 to Bylaw Notice Enforcement Bylaw No. 10475

Moved By Councillor DeHart/Seconded By Councillor Stack

THAT Bylaw No. 12728 be adopted.

Carried

### 6.4 Security Alarm System Bylaw No. 9147 Update

Staff:

- Displayed a PowerPoint Presentation outlining the Security Alarm System program, service level agreement with the Regional District of Central Okanagan, and responded to questions from Council.

David Gazley, Manager of Protective Services RDCO and Jon Cruz, Staff Sergeant, RCMP Operations:

- Responded to questions from Council.

Moved By Councillor DeHart/Seconded By Councillor Webber

THAT Council receives, for information, the report from Community Safety Department dated December 9, 2024 with respect updated Security Alarm Systems Bylaw;

AND THAT Security Alarm System Bylaw No. 9147 be rescinded;

AND THAT Bylaw 12730, being Security Alarm System Bylaw be forwarded for reading consideration;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Agreement to Provide the Service of Administration and Enforcement of Security Alarm Systems.

Carried

**6.5 BL12730 - Security Alarm Systems Bylaw**

Moved By Councillor DeHart/Seconded By Councillor Webber

THAT Bylaw No. 12730 be read a first, second and third time.

Carried

**7. Bylaws for Adoption (Non-Development Related)**

**7.1 BL12715 - Amendment No. 5 to Development Application and Heritage Procedures Bylaw No. 12310**

Moved By Councillor Webber/Seconded By Councillor DeHart

THAT Bylaw No. 12715 be adopted.

Carried

**7.2 BL12716 - Amendment No. 3 to Development Application Fees Bylaw No. 12552**

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw No. 12716 be adopted.

Carried

**7.3 BL12731 - Amendment to Water Regulation Bylaw No. 10480 and Water Service Parcel Tax Bylaw No. 8923**

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

THAT Bylaw No. 12371 be adopted.

Carried

**8. Mayor and Councillor Items**

Mayor Dyas:

- Made a Notice of Motion for workshops on micro suites and podium designs.
- Expressed holiday greetings.

Councillor DeHart:

- Expressed holiday greetings.
- Commented on the upcoming Parade with a Purpose on Saturday, December 14, 2024.

Councillor Lovegrove

- Expressed holiday greetings.
- Commented on the Santa Bus and encouraged the community to use transit as a safe ride during the holidays.
- Spoke to their attendance at the 14 Not Forgotten Memorial Ceremony at UBCO on December 6, 2024.
- Spoke to their attendance at Candy Cane Lane in the Rutland community.
- Commented on the upcoming Parade with a Purpose on Saturday, December 14, 2024.

Councillor Singh:

- Expressed holiday greetings.
- Commented on the Mayor's Notice of Motion.

Councillor Cannan:

- Commented on the Mayor's Notice of Motion.
- Reminder to residents to have their street address clearly posted on their property for service providers.
- Expressed holiday greetings.

Councillor Hodge:

- Expressed holiday greetings.
- Encouraged the community to donate to the Salvation Army Kettle Drive.

Councillor Wooldridge:

- Commented on the upcoming Parade with a Purpose on Saturday, December 14, 2024
- Expressed holiday greetings.

**9. Termination**

This meeting was declared terminated at 3:04 p.m.

\_\_\_\_\_  
Mayor Dyas

/acm



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City Clerk

DRAFT

# REPORT TO COUNCIL

## ALR APPLICATION



**Date:** January 13, 2025  
**To:** Council  
**From:** City Manager  
**Address:** 2360 Saucier Rd  
**File No.:** A24-0013 / FH24-0002  
**Zone:** A1 – Agriculture

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### 1.0 Recommendation

THAT Agricultural Land Reserve Application No. A24-0013 for Lot 2 District Lot 359 ODYD Plan 17157 Except Plan 39252 located at 2360 Saucier Rd, Kelowna, BC for a Non-Adhering Residential Use Permit pursuant to Section 25 of the Agricultural Land Commission Act, be supported by Council;

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

AND THAT Council authorizes the issuance of Temporary Farm Worker Housing Permit No. FH24-0002 for Lot 2 District Lot 359 ODYD Plan 17157 Except Plan 39252, located at 2360 Saucier Rd, Kelowna, BC subject to the following:

1. Approval by the Agricultural Land Commission of Non-Adhering Residential Use Permit Application No. A24-0013;
2. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
3. A vegetated buffer is provided for screening adjacent property lines and between the temporary farm worker housing and active farming areas in accordance with Schedule "B";
4. The applicant is required to post the City a Landscape Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscape buffer, as determined by a professional landscaper;
5. Registration of a Section 219 Restrictive Covenant on the Title that states:
  - a. The dwellings will be used for temporary farm workers only;
  - b. The owner will remove the dwellings if the farm operation changes such that if they are no longer required;
  - c. The dwellings will only be used for farm workers for a maximum of ten (10) months of the year;
  - d. The maximum number of accommodations permitted on this farm unit within this City sector is 60 workers; and,
  - e. The temporary farm worker housing building footprint is a maximum of 0.3 ha.

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

## 2.0 Purpose

To support an application to the Agricultural Land Commission for a Non-Adhering Residential Use Permit to allow Temporary Farm Worker Housing to accommodate 18 seasonal workers on the subject property.

## 3.0 Development Planning

Staff support the application for Temporary Farm Worker Housing (TFWH) for up to 18 agricultural workers on the subject property. The proposed temporary farm worker accommodation meets the regulations of the Zoning Bylaw, and it is also consistent with the Ministry of Agriculture standards for temporary farm worker accommodation.

The proposal complies with the City of Kelowna OCP policies for TFWH. Agriculture is the principal use on the parcel. The applicant has demonstrated that the scale of farm and nursery operations are large enough and necessary to accommodate farm employees whose residence on the farm property is considered critical to the overall operation of the farm. The proposed housing is on non-permanent foundations which is the preferred solution where the need for farm worker housing is justified and is in an area of the property that minimizes the residential impact to agriculture.

If the Non-Adhering Residential Use Permit Application is approved by Council and the Agricultural Land Commission, a covenant is required to be registered on title indicating that the unit can only be used for farm workers for a maximum of 10 (ten) months and the unit will be removed if the workers are no longer required. A vegetative buffer is required to be planted to separate the active agriculture from the workers' accommodation.

## 4.0 Subject Property & Background

### 4.1 Subject Property Map



The subject property is located on Saucier Rd near the intersection with Wallace Hill Rd in Southeast Kelowna. The surrounding area is primarily agriculture and rural residential lots.

Zoning and land use adjacent to the property are as follows:

Orientation	Zoning	ALR	Land Use
North	A1 – Agriculture	Yes	Rural Residential
East	A1 – Agriculture	Yes	Agriculture
South	A1 – Agriculture	Yes	Agriculture
West	A1 – Agriculture	Yes	Rural Residential

**5.0 Project Description**

The subject property is 6.03 ha (14.9 acre) in size and is located on Saucier Rd. The applicant is seeking permission for eighteen (18) seasonal farm workers to work in the operations relating to the on-site nursery business. The applicant has indicated that there are high demands during the peak growing season, and rapid response times and flexibility are required to maintain plant health and productivity. As the workers are currently being housed in off-site locations, the centralized farm worker housing will allow for more agricultural productivity. The nursery includes cultivation and sale of a wide variety of plants and trees.

The application 18 seasonal workers will be housed in six portable trailers. These units will include bedrooms, storage, dining room, washrooms, laundry and a communal kitchen and will be in operation for between 7-9 months. These units are roughly 343 m<sup>2</sup> in size and are located in the SE corner of the property in an area of least impact to the agricultural operations. There are two dwellings on-site, the first is a residential home that is occupied by tenants and the second is a mobile home that is used for site management and wholesale operations.

The nursery includes the sale of landscaping products and non-farm use products that are brought from off-site location, which exceed the 150 m<sup>2</sup> area allotted for the sale of these products identified in the Zoning Bylaw and Agricultural Land Reserve (ALR) Use Regulation. The operation will be required to come into conformance with the ALC’s regulations and the Zoning Bylaw or a non-farm use application is required to be submitted.

**6.0 Current Development Policies**

The proposed temporary farm worker accommodation meets the regulations of the Zoning Bylaw. The proposal is also consistent with the Ministry of Agriculture standards for temporary farm worker accommodation.

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

<b>Objective 8.1. Protect and preserve agricultural land and its capability.</b>	
Policy 8.1.9. Farm Help Housing.	<p>As a first option, encourage farm help housing to be located within the Permanent Growth Boundary, providing amenity for workers. As a second option, accommodation for farm help on agricultural land on the same farm unit, where approved by the ALC, will be considered only when:</p> <ul style="list-style-type: none"> <li>• Agriculture is the principal use on the parcel; and</li> <li>• The applicant demonstrates that on-site housing for farm workers is necessary for the overall operation of the farm. The primary</li> </ul>

	<p>consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary.</p> <p>Temporary farm worker housing, such as a bunkhouse accommodation on non-permanent foundations, is the preferred solution where farm worker housing is justified.</p> <p><i>The property is not in the Permanent Growth Boundary, but the farm unit is to work on the subject property, which has agriculture as the principal use.</i></p>
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The OCP Farm Protection Development Permit Guidelines state to design TFWH such that:

- TFWH should use all existing dwellings within the farm unit, prior to building new temporary farm worker housing, unless the existing dwellings are used for a use consistent with the Agriculture Land Commission Act. Alternatively, the existing dwellings on the farm unit must be removed, decommissioned to an approved use, or demolished including decommissioning the existing septic system, prior to the authorization of a new temporary farm worker housing structure.
- TFWH footprint should be contiguous with the residential footprint (i.e., Homeplate) and / or within 50 metres of the road and/or located to maximize agricultural potential and limit negative impacts on the farm parcel.
- TFWH should have a minimum 3.0-metre-wide vegetated buffer for screening to adjacent property lines and between the TFWH and active farming areas.

4.2 The City of Kelowna Agriculture Plan:

Allow TFWH, as permitted by City of Kelowna Bylaw. TFWH, as permitted by the City of Kelowna, should be allowed. The TFWH footprint means the portion of a lot that includes all structures, driveways and parking areas associated with the temporary farm worker housing, including but not limited to structures.

4.3 Ministry of Agriculture’s Guide to Bylaw Development in Farming Areas:

In keeping with the Ministry of Agriculture’s Guide to Bylaw Development in Farming Areas and the City’s policy for Temporary Farm Worker Housing, Development Planning Staff recommend the registration of Section 219 Restrictive Covenants which state:

- The TFWH shall be used for temporary farm workers only;
- The owner will remove the TFWH if the farm operation changes such that it is no longer required;
- The dwellings will only be used for farm workers for a maximum of ten (10) months of the year;
- The maximum number of accommodations permitted on this farm unit within this City sector is 60 workers; and,
- The TFWH building footprint is a maximum of 0.3ha.

## 7.0 Application Chronology

Application Accepted: October 4<sup>th</sup>, 2024  
Neighbour Notification Received: N/A

## 8.0 Agricultural Advisory Committee

Agricultural Advisory Committee December 12, 2024

THAT the committee recommend that Council support the application (A24-0013) to the Agricultural Land Commission (ALC) to allow a non-adhering residential use permit to allow for temporary farm help housing to accommodate eighteen (18) seasonal farm workers on the subject property.

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on December 12, 2024, and the following recommendations were passed:

Anecdotal comments include that the Committee noted the importance of ensuring the applicant follows through with building the landscaping works described in the application as it provides an important buffer between the farming activity and the housing.

**Report prepared by:** Tyler Caswell, Planner Specialist  
**Reviewed by:** Dean Strachan, Development Planning Manager  
**Reviewed by:** Nola Kilmartin, Development Planning Department Manager  
**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning, Climate Action & Development Services

### Attachments:

Attachment A – ALC Application File No. 102070  
Attachment B – Ministry of Agriculture Memo  
Attachment C – Draft Development Permit - FH24-0002  
Schedule A: Site Plan & Floor Plans  
Schedule B: Landscape Plan

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



# Provincial Agricultural Land Commission - Applicant Submission

**Application ID:** 102070  
**Application Type:** Non-Adhering Residential Use within the ALR  
**Status:** Submitted to L/FNG  
**Name:** Mayers  
**Local/First Nation Government:** City of Kelowna

## 1. Parcel(s) Under Application

### Parcel #1

**Parcel Type** Fee Simple  
**Legal Description** LOT 2 DISTRICT LOT 359 OSOYOOS DIVISION YALE DISTRICT PLAN 17157 EXCEPT PLAN 39252  
**Approx. Map Area** 6.03 ha  
**PID** 008-441-961  
**Purchase Date** Jul 26, 2001  
**Farm Classification** Yes  
**Civic Address** 2360 Saucier Rd.  
**Certificate Of Title** 20240819 State of Title Certificate\_Title - TFW Housing (Foxglove).pdf

Land Owner(s)	Organization	Phone	Email	Corporate Summary
Lynda Mayers	Not Applicable			Not Applicable

**ATTACHMENT** A

This forms part of application  
 # A24-0013 FH24-0002

Planner Initials **TC**



City of Kelowna  
 DEVELOPMENT PLANNING

## 2. Other Owned Parcels

**Do any of the land owners added previously own or lease other parcels that might inform this application process?** No

## 3. Primary Contact

<b>Type</b>	Third-Party Agent
<b>First Name</b>	Derrick
<b>Last Name</b>	Sobotka
<b>Organization (If Applicable)</b>	United Irrigation & Landscaping Inc.
<b>Phone</b>	2503003127
<b>Email</b>	derrick@unitedlandscapes.ca

## 4. Government

**Local or First Nation Government:** City of Kelowna

## 5. Land Use

### Land Use of Parcel(s) under Application

**Describe all agriculture that currently takes place on the parcel(s).**

Our current land use involves operating a seasonal commercial nursery business, Foxglove Wholesale Nursery. The nursery is focused on the cultivation, care, and sale of a wide variety of plants and trees. The operations are in line with agricultural use, including the propagation of ornamental plants, shrubs, and trees, as well as other related activities that support nursery production. This business is active seasonally, adhering to agricultural best practices and contributing to the local agricultural economy.

**Describe all agricultural improvements made to the parcel(s).**

Several agricultural improvements have been made to the parcel. A previously installed irrigation system has been maintained to facilitate the efficient watering of various plant and tree products throughout the property. We have also installed and maintained multiple greenhouse structures to enhance the growing and maintenance conditions for our

**ATTACHMENT** A

This forms part of application  
# A24-0013 FH24-0002

Planner Initials **TC**



nursery stock. Additionally, fencing was installed along the front and around various perimeters of the property prior to our purchase of the business and assumption of the rights to the property.

**Describe all other uses that currently take place on the parcel(s).**

206 m2 workshop at entrance of the site  
 60 m2 retail office at entrance of the site  
 141 m2 small home at the south edge

## Land Use of Adjacent Parcels

	<b>Main Land Use Type</b>	<b>Specific Activity</b>
<b>North</b>	Residential	Residential House
<b>East</b>	Agricultural / Farm	Horse Boarding Organization / Private Residence
<b>South</b>	Other	Forested Land
<b>West</b>	Residential	Residential House

## 6. Proposal

**Selected Subtype:** Non-Adhering Tourism Accommodation

**What is the purpose of the proposal?**

The purpose of our proposal for a non-adhering residential use permit is to enhance and refine our Temporary Foreign Worker (TFW) program by creating a centralized, comfortable, safe, and well-equipped residential space for our workers. Our goal is to ensure that the temporary foreign workers we employ have a secure and healthy environment during their stay with us, which will significantly improve their overall experience and well-being.

We are applying for this permit to establish dedicated on-site housing that aligns with both our operational needs and the specific requirements of our workers. The proposed housing will consolidate our current accommodations into a single, centralized location, which is essential for ensuring the workers have easy access to amenities, support, and transportation.

This proposal will achieve several important objectives:

**ATTACHMENT**    A

This forms part of application  
 # A24-0013 FH24-0002



City of  
**Kelowna**  
DEVELOPMENT PLANNING

Planner Initials    TC

1. Improved Living Conditions for Workers: The creation of a centralized housing facility will provide our temporary foreign workers with a comfortable living space that includes adequate sleeping quarters, kitchen facilities, laundry services, and common areas for social interaction and relaxation. A single, purpose-built residential area will be safer, easier to maintain, and more conducive to fostering a sense of community and well-being among our workers.

2. Enhanced Safety and Welfare: By housing our workers on-site, we can better ensure their safety and well-being. The proposed accommodation will be built to meet or exceed all health and safety standards, including fire safety, sanitation, and emergency preparedness. Proximity to their place of work will minimize travel risks and ensure that our workers have quick access to medical care and other necessary services if needed.

3. Operational Efficiency: Centralized housing will also improve our operational efficiency. It allows us to better manage shift rotations, respond quickly to any operational needs, and ensure workers are rested and ready for their tasks. This helps maintain the productivity levels required for our seasonal commercial nursery operations.

4. Support for Agricultural Operations: The establishment of a centralized residential area for our TFW program will support our ongoing agricultural activities by ensuring a stable and reliable workforce. Given the seasonal nature of our nursery business, having a dependable and readily available workforce is critical to meeting production demands and maintaining the quality of our products. The proposal will also allow us to attract and retain skilled workers by providing them with a desirable living environment, directly benefiting our agricultural productivity.

5. Contributions to the Local Agricultural Economy: The improved residential facilities will enable us to continue to offer employment to temporary foreign workers who play a vital role in supporting our operations. This, in turn, helps sustain the local agricultural economy by ensuring that labor needs are met in a timely and efficient manner. By providing appropriate housing, we also contribute to the well-being of the broader agricultural workforce, promoting a sustainable and socially responsible approach to agricultural labor management.

In summary, our proposal for a non-adhering residential use permit aims to

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enhance the quality of life for our temporary foreign workers by providing them with safe, comfortable, and well-equipped accommodation. This will not only benefit our workers but also contribute to the efficiency and sustainability of our agricultural operations, ensuring that we continue to play a positive role in the local agricultural community.

**What is the total floor area (m<sup>2</sup>) of the proposed accommodation?** 343.37

**How many "sleeping units" in total are proposed?** 15

**Describe how the proposal for tourism accommodation will support agriculture in the short or long term.**

We are applying for a non-adhering residential use permit to establish an additional residence that supports our Temporary Foreign Worker (TFW) program. The proposed residence will provide centralized, comfortable, safe, and well-equipped housing for our workers, enhancing their living conditions and overall experience while in our care. This improvement is essential to ensure their well-being, productivity, and retention, which are vital for our farm's success.

The additional residence is necessary to house workers on-site, allowing for better management of daily tasks, improved response to operational needs, and minimized travel-related risks. Centralized housing will ensure our workers are readily available, rested, and prepared to meet the high demands of our seasonal commercial nursery business, particularly during peak seasons when labor needs are at their highest. This proposal will enhance worker welfare, safety, and efficiency, directly supporting our agricultural activities.

In the short term, the new residence will enable us to accommodate more workers, increasing our labor capacity and ensuring we have the workforce needed to maintain productivity levels, meet market demands, and sustain our operations. In the long term, it will help us retain skilled workers, build a stable workforce, and provide a foundation for sustainable growth and expansion of our operations. The proposed housing will contribute to a more consistent, reliable labor force, essential for maintaining production standards and meeting the challenges of an ever-evolving agricultural market.

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Our farm, Foxglove Wholesale Nurseries, operates on several acres with intensive, year-round activities, including planting, watering, pruning, pest control, and general maintenance of various plant and tree products. The scale of our operations requires a significant amount of manual labor, especially during peak growing seasons. We rely heavily on our TFW program to provide the necessary workforce to handle the high intensity of our operations, which involves both indoor and outdoor tasks across multiple greenhouses and planting areas. The additional residence will enable us to efficiently manage our labor force and maintain the quality and scale of our operations, ensuring continued productivity and economic contributions to the local agricultural sector.

By providing safe, adequate, and centralized housing, we will foster a healthier, more stable workforce, directly benefiting our agricultural productivity and sustainability in both the short and long term. This residence will also demonstrate our commitment to worker welfare, which is crucial for maintaining our reputation and attracting dedicated workers to our organization.

**Describe the rationale for the proposed location of the tourism accommodation.**

We are applying for a non-adhering residential use permit to establish a centralized, safe, and comfortable residence for our Temporary Foreign Worker (TFW) program. The proposed location for this residence is strategically chosen to enhance both worker well-being and operational efficiency. The new residence will be situated on-site, close to the main working areas of our farm operation, ensuring convenient access for our workers and streamlining daily activities.

**Rationale for the Proposed Location:**

The chosen location allows for the effective management of our seasonal nursery operations by minimizing travel time and transportation costs for workers. With housing located on-site, workers will have immediate access to the fields, greenhouses, and other essential work areas. This proximity is crucial for meeting the high demands of our operations, particularly during peak growing seasons, when rapid response times and flexibility are required to maintain plant health and productivity. The location also allows for better supervision and support, ensuring that workers are readily available for tasks and can quickly address any unexpected issues or emergencies.

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Furthermore, placing the residence on-site allows us to create a cohesive living and working environment that fosters a sense of community among our workers. This contributes to a positive work culture and promotes overall job satisfaction and retention. By providing comfortable, safe, and centralized accommodations, we aim to attract and retain skilled workers, which is essential for maintaining a reliable and experienced workforce that meets our farm's needs.

Description of Farm Operation:

Scale, Intensity, and Labour Capacity

Foxglove Wholesale Nurseries operates on several acres, with high-intensity, year-round agricultural activities. Our operations focus on cultivating a diverse range of plants, including ornamental shrubs, trees, perennials, and seasonal flowers, which require specialized care throughout the year. The nursery involves multiple greenhouses, outdoor planting areas, and irrigation systems that demand constant attention and labor.

The scale and intensity of our operations necessitate a dedicated workforce capable of handling tasks such as planting, watering, pruning, pest management, and harvesting. We rely heavily on our TFW program to provide the labor required to maintain our operations, particularly during peak seasons when labor demands are highest. The proposed additional residence will allow us to accommodate a larger workforce, thereby increasing our labor capacity to sustain and expand our agricultural production.

The proposed location for the additional residence is integral to refining our TFW program and supporting the scale, intensity, and labor capacity of our farm operation. By situating the residence on-site, we ensure that our workers have immediate access to their workplace, enhancing both operational efficiency and worker well-being. This strategic placement will contribute to the continued success and sustainability of our agricultural activities, ensuring we can meet current and future demands while maintaining high standards of productivity and quality.

**Describe any agri-tourism that is currently taking place on the property.**

No Agri-Tourism activities will occur on this site.

**Describe the total floor area (m<sup>2</sup>), type, number, and occupancy of all**

permanent mobile home residential unit 150 m2.

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# A24-0013 FH24-0002



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**residential structures currently located on the property.**

**Proposal Map / Site Plan** 20240904 Detailed Site Plans - TFW Housing (Foxglove).pdf

**Do you need to import any fill to construct or conduct the proposed non-adhering residential use?** No

**7. Optional Documents**

Type	Description	File Name
Photo of the Application Site	Site Photo	FW 7.jpg
Photo of the Application Site	Site Photo	FW 6.jpg
Photo of the Application Site	Site Photo	FW 5.jpg
Photo of the Application Site	Site Photo	FW 4.jpg
Photo of the Application Site	Site Photo	FW3.jpg
Photo of the Application Site	Site Photo	FW2.jpg
Photo of the Application Site	Site Photo	FW1.jpg
Other files that are related	Manufacturer Specifications 2	20240819 Manufacturer Spec Sheet - TFW Housing (Foxglove) 2.pdf
Other files that are related	Manufacturer Specifications 1	20240819 Manufacturer Spec Sheet - TFW Housing (Foxglove).pdf

**ATTACHMENT** A

This forms part of application # A24-0013 FH24-0002



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<b>ATTACHMENT</b>		<b>B</b>
This forms part of application		
# A24-0013 FH24-0002		
Planner Initials	TC	 <b>City of Kelowna</b> <small>DEVELOPMENT PLANNING</small>

October 18, 2024

Lisa Schell  
 Legal & Administrative Coordinator  
 City of Kelowna

**Sent by email to [planninginfo@kelowna.ca](mailto:planninginfo@kelowna.ca)**

**Re: ALC File #102070; Local Government File #A24-0013 – Non-Adhering Residential Use within the ALR at 2360 Saucier Road (PID: 008-441-961) – The Subject Property**

Dear Lisa Schell,

Thank you for providing the opportunity for Ministry of Agriculture and Food (Ministry) staff to comment on File #A24-0013, that proposes new housing for farm workers on the Subject Property in the form of a 6-unit side-by-side, 343.37 m<sup>2</sup>, modular building. From a land use planning perspective, Ministry staff offer the following comments:

- Ministry staff are aware that the 6.03 ha Subject Property is located in the Agricultural Land Reserve and is an active nursery operated year-round with greenhouse and container production of a wide variety of plants and trees.
- The proposed housing unit is a prefabricated camp-style modular home that will be placed on the Subject Property without a permanent foundation. Housing located on skids, as opposed to permanent foundation such as asphalt, is recommended in the Temporary Farm Worker Housing Minister’s Bylaw Standard in the Ministry’s [Guide for Bylaw Development in Farming Areas](#), given that it reduces the impact to the land base.
- The application states the new housing unit “will consolidate current accommodation into a single, centralized location” but does not state what accommodations are currently being used, whether they are located on the Subject Property, and what will happen to any current housing if this application is approved. There is mention of a 141 m<sup>2</sup> mobile home on the

Subject Property, but it is not clear if that home is being used for farm worker housing.

- Ministry staff find it positive that the proposed housing would be sited at the southeast corner of the Subject Property where it does not appear it will displace any current agricultural production. Ministry staff suggest the applicant includes vegetative screening to the east and south of the proposed housing unit to provide a buffer between it and the neighbouring properties.
- The proposed housing unit includes beds for 29 workers. Ministry staff find it challenging to accurately comment on the suitability of the housing unit's size without further information on the operation's employment specifics, such as number of workers currently employed, length of stay required, how many workers are currently housed on the Subject Property, etc. However, the proposed number of beds is equivalent to approximately 2 workers per acre and does not appear unreasonable or disproportionate for the nursery sector and its activities.
- Overall, Ministry staff support the proposed temporary farm worker housing on the Subject Property and anticipate it would benefit the existing agricultural operation.

Please contact Ministry staff if you have any questions regarding the above comments.

Sincerely,



**Chelsey Andrews, MCP**  
Land Use Planner  
Strengthening Farming Program  
Ministry of Agriculture and Food

[chelsey.andrews@gov.bc.ca](mailto:chelsey.andrews@gov.bc.ca)  
Phone: 1 250-850-1854

<b>ATTACHMENT</b>		<b>B</b>
This forms part of application # A24-0013 FH24-0002		
Planner Initials	<b>TC</b>	 City of <b>Kelowna</b> DEVELOPMENT PLANNING

CC: Agricultural Land Commission – ALC.Referrals@gov.bc.ca

# TEMPORARY FARM WORKER HOUSING PERMIT



## APPROVED ISSUANCE OF TEMPORARY FARM WORKER HOUSING PERMIT NO. FH24-0002

**Issued To:** Catspaw Management Co. Ltd. Inc.No. 155100  
**Site Address:** 2360 Saucier Rd  
**Legal Description:** Lot 2 District Lot 359 ODYD Plan 17157 Except Plan 39252

**Zoning Classification:** A1 – Agriculture  
**Development Permit Area:** Temporary Farm Worker Housing

### SCOPE OF APPROVAL

This 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 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 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.

### 1. TERMS AND CONDITIONS

AND THAT Council authorizes the issuance of Temporary Farm Worker Housing Permit No. FH24-0002 for Lot 2 District Lot 359 ODYD Plan 17157 Except Plan 39252, located at 2360 Saucier Rd, Kelowna, BC subject to the following:

1. Approval by the Agricultural Land Commission of Non-Adhering Residential Use Permit Application A24-0013;
2. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
3. A vegetated buffer is provided for screening adjacent property lines and between the temporary farm worker housing and active farming areas in accordance with Schedule "B";
4. The applicant is required to post the City a Landscape Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscape buffer, as determined by a professional landscaper;
5. Registration of a Section 219 Restrictive Covenant on the Title that states:
  - a. The dwellings will be used for temporary farm workers only;

<b>ATTACHMENT</b> C	
This forms part of application # A24-0013 FH24-0002	
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- b. The owner will remove the dwellings if the farm operation changes such that if they are no longer required;
- c. The dwellings will only be used for farm workers for a maximum of ten (10) months of the year;
- d. The maximum number of accommodations permitted on this farm unit within this City sector is 60 workers: and,
- e. The temporary farm worker housing building footprint is a maximum of 0.3 ha.

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

## 2. 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 own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) An Irrevocable Letter of Credit in the amount of **\$17,231.25**

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.

## 3. DEVELOPMENT

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

**This Permit IS NOT a Building Permit.**

## 4. Indemnification

Upon commencement of the works authorized by this Permit the Applicant 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.
- b) 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.

<b>ATTACHMENT</b>		<b>C</b>
This forms part of application		
# A24-0013 FH24-0002		
Planner Initials	TC	 <b>City of Kelowna</b> <small>DEVELOPMENT PLANNING</small>

**5. APPROVALS**

Issued and approved by Council on January 13<sup>th</sup>, 2025

\_\_\_\_\_  
Nola Kilmartin, Development Planning Department Manager

\_\_\_\_\_  
Date

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

**ATTACHMENT** C

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# FOXGLOVE NURSERIES

2360 Saucier Avenue  
Kelowna, BC

client:	2360 Saucier Avenue Kelowna, BC	
scale	date	revision
2.54cm:1.219m	November 27, 2024	REV004
drawn by	checked by	drawing #
S.WEMPE	D.SOBOTKA	TFW-BUILD



LOT 2 DISTRICT  
LOT 359 OSOYOOS DIVISION YALE DISTRICT  
PLAN I7157 EXCEPT PLAN 39252

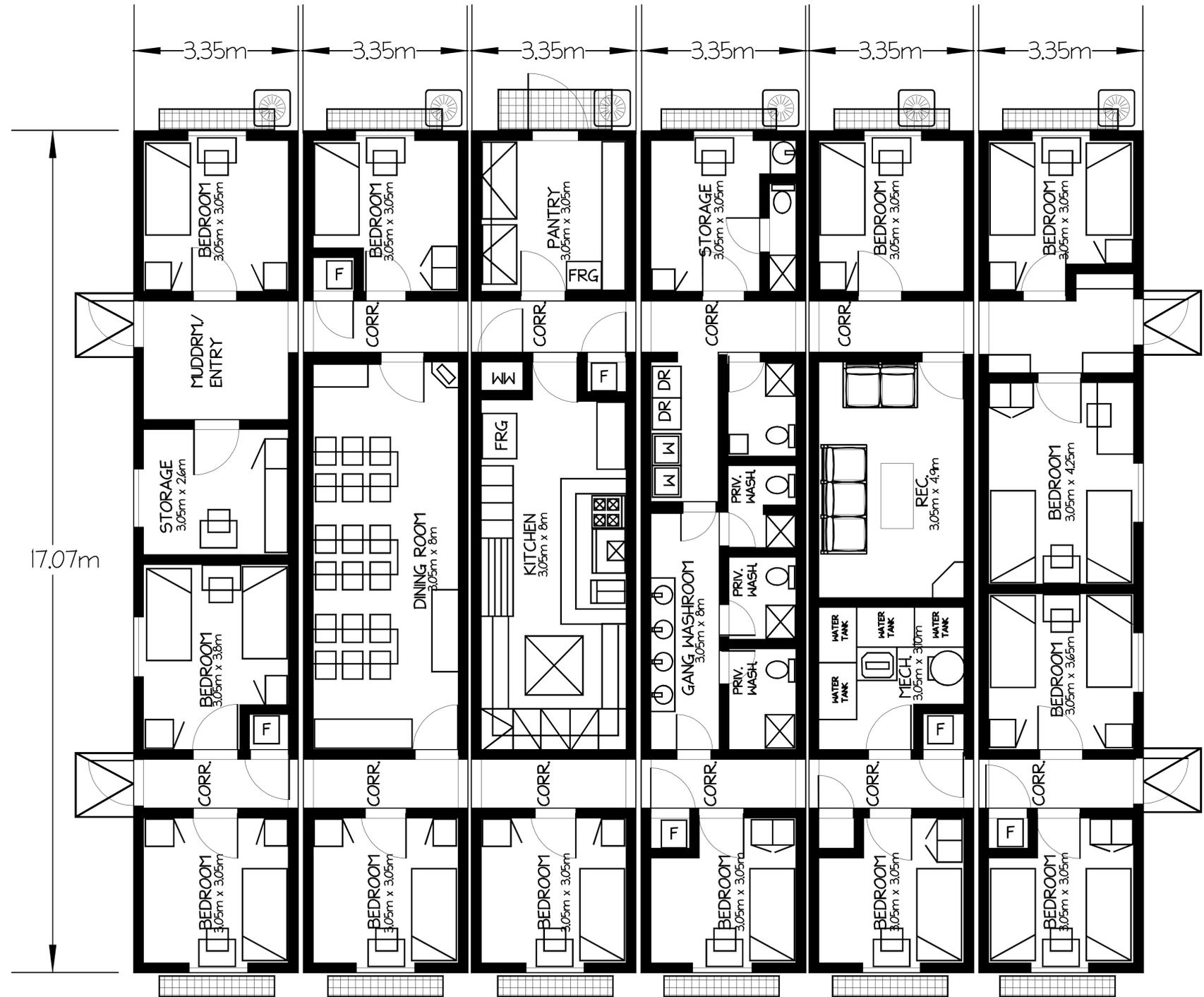
SCALE IS DEFINED AS APPROPRIATE FOR PLAN AS PRESENTED

PAGE 2 OF 2 PARTS

**SCHEDULE A**

This forms part of application  
# A24-0013 FH24-0002

Planner Initials **TC**





City of  
Kelowna

A24-0013 / FH24-0002  
2360 Saucier Rd

ALR Application for a Non-Adhering Residential Use

# Proposal

- ▶ To consider an application to the Agricultural Land Commission (ALC) for a Non-Adhering Residential Use Permit to allow temporary farm help housing to accommodate 18 seasonal farm workers on the subject property.

# Development Process

Oct 4, 2024

Development Application Submitted



Staff Review & Circulation



Dec 12, 2024

Agricultural Advisory Committee



Jan 13, 2025

Council Consideration



Council Approvals



Agricultural Land Commission Consideration



If proposal is supported by Council & the ALC



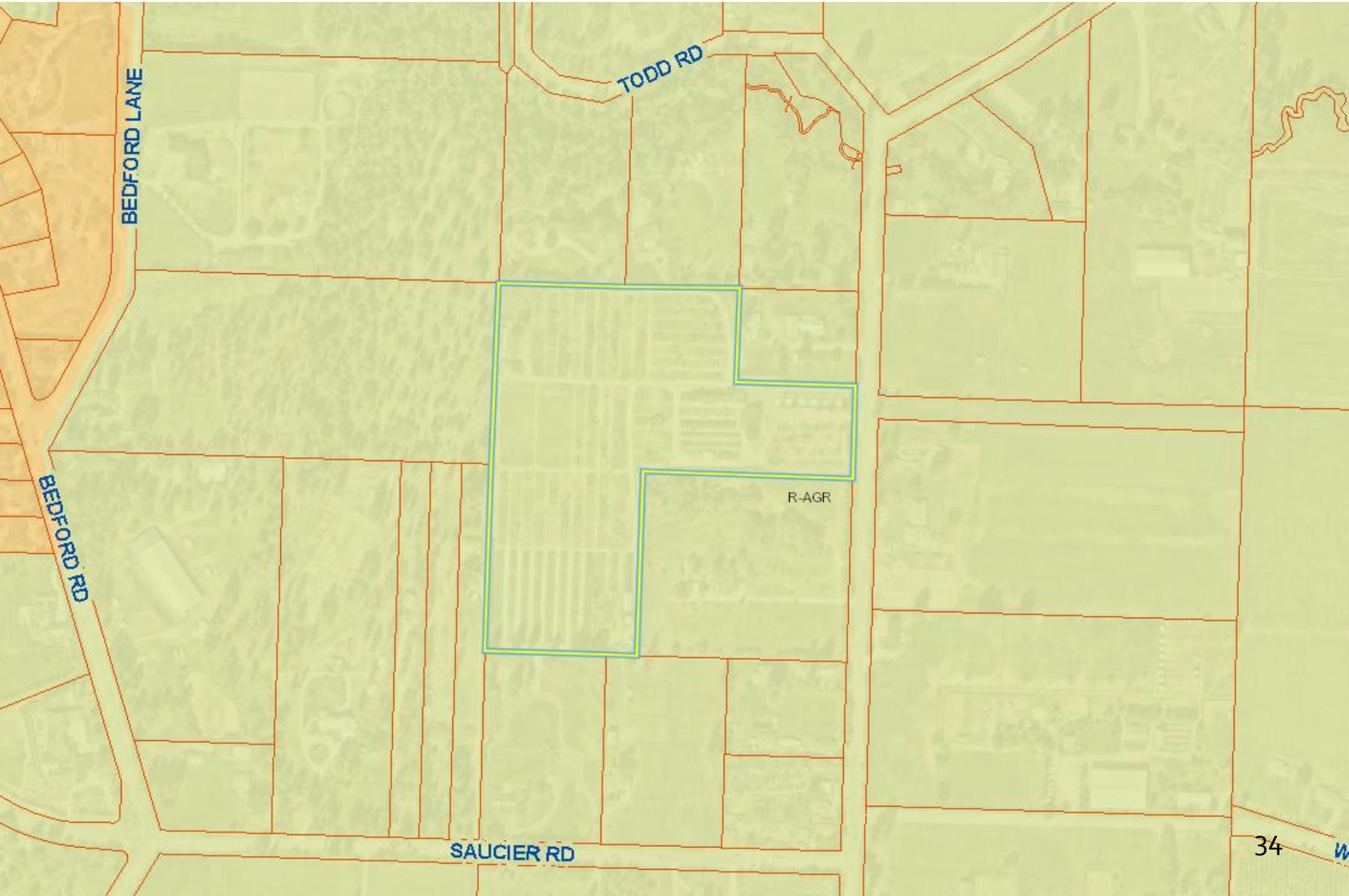
Building Permit



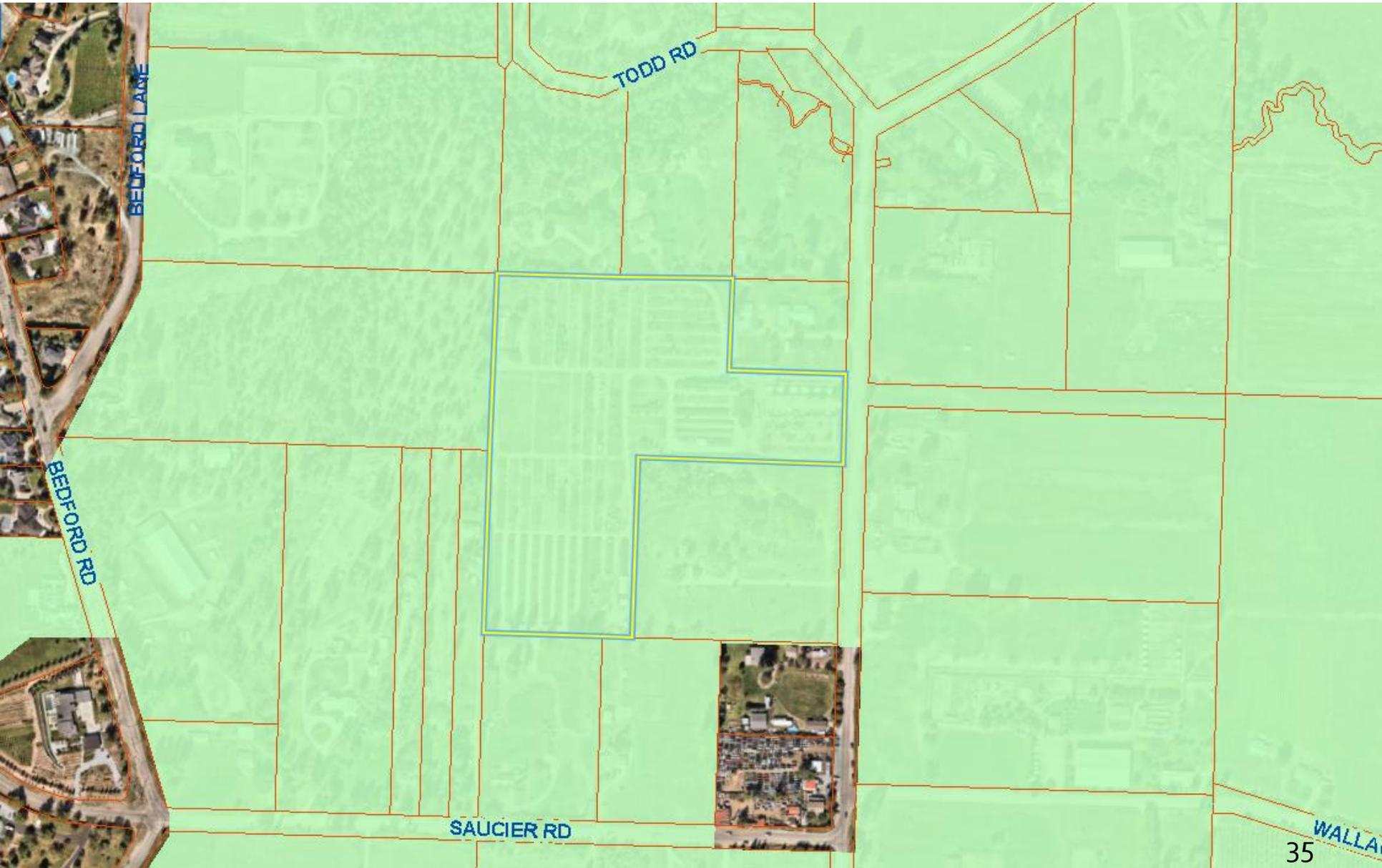
# Context Map



# OCP Future Land Use / Zoning



# Agricultural Land Reserve



# Aerial View



# Site Photos



# Site Photos



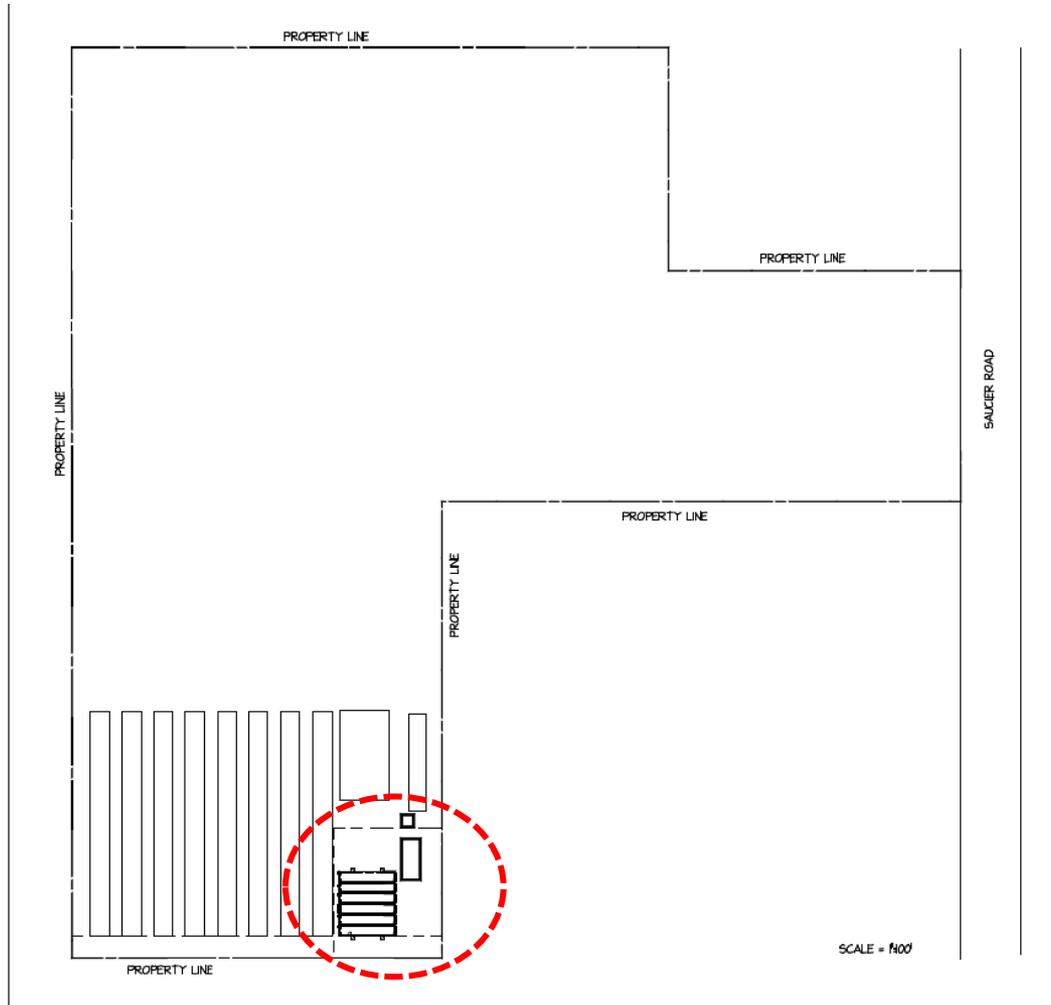
# Site Photos



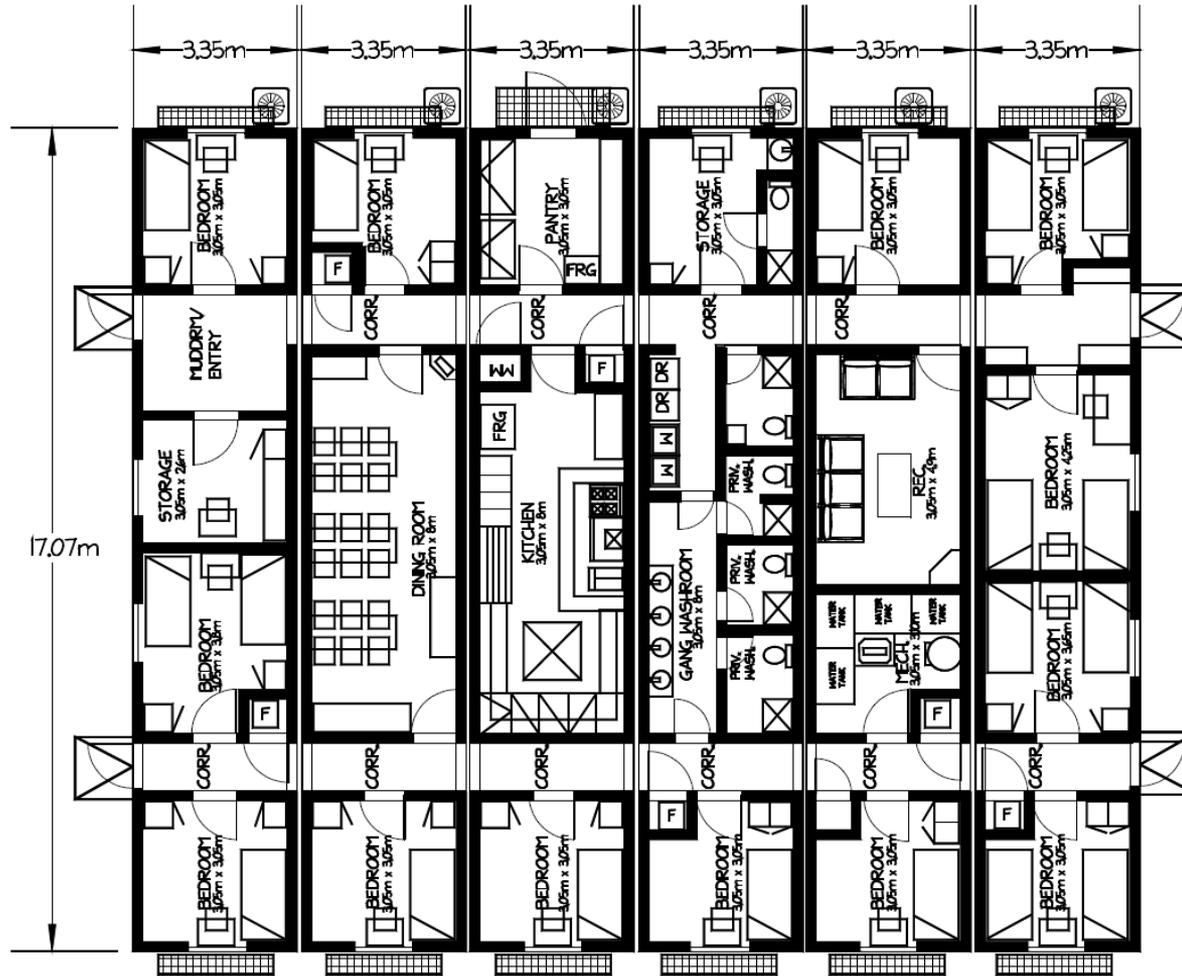
# Project Details

- ▶ The applicant is seeking approvals to allow for eighteen (18) seasonal agriculture workers;
  - ▶ The workers will be located in six portable trailers;
  - ▶ These are 343 m<sup>2</sup> in size;
  - ▶ There will be bedrooms, dining room, and a communal kitchen.
- ▶ If approved, a covenant is required to be registered on title indicating that the residence can only be used for 10 months.
- ▶ A vegetative buffer is also required to be planted.

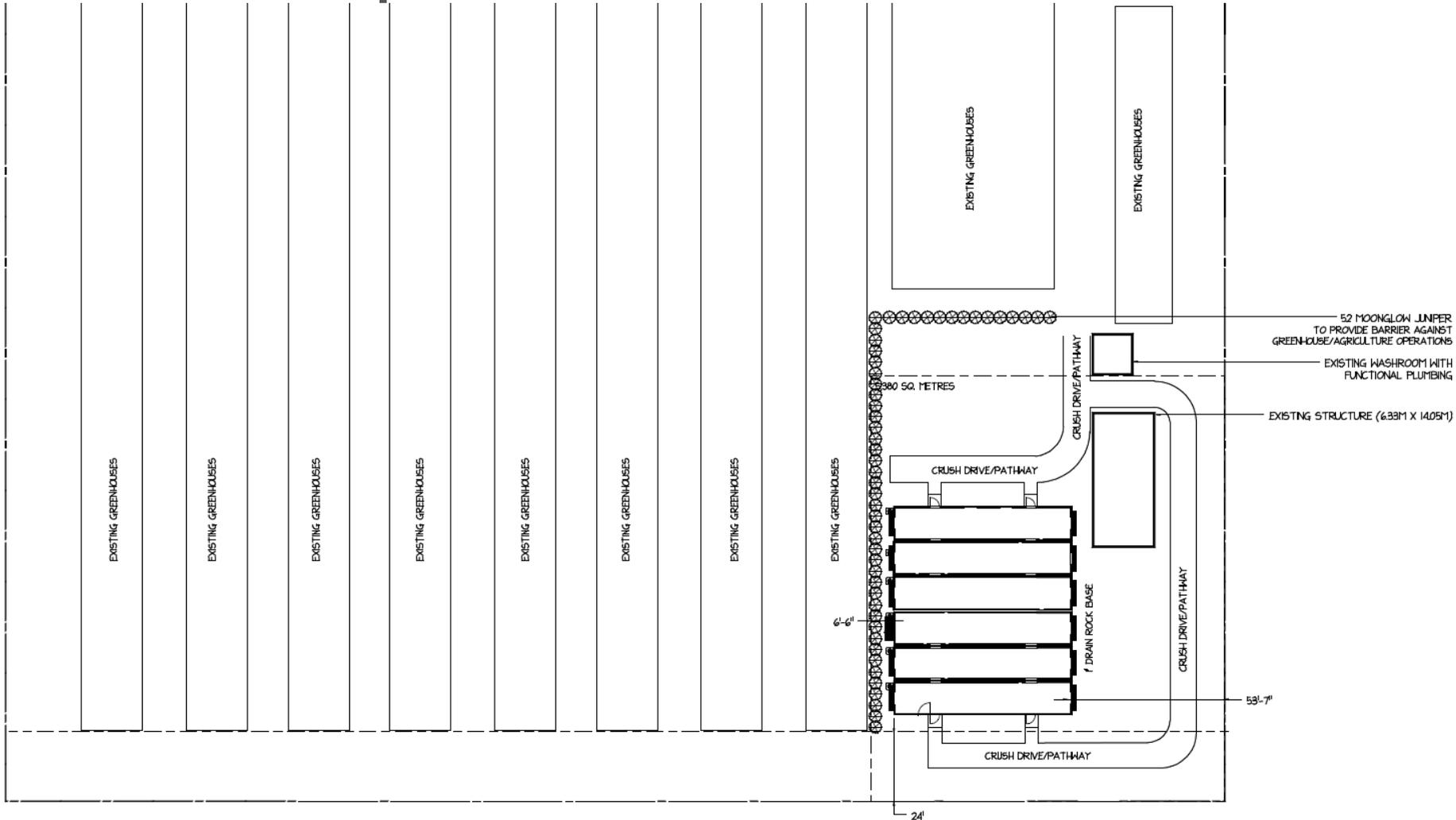
# Site Plan



# Floor Plan



# Landscape Plan



# Development Policy: Zoning Bylaw

Regulation	Meets
Minimum farm unit size: 3.8 ha	<input checked="" type="checkbox"/>
New TFWH structures must include a communal kitchen	<input checked="" type="checkbox"/>
Only occupied during growing, harvesting and pruning periods	<input checked="" type="checkbox"/>
Occupied no more than 10 months of a calendar year	<input checked="" type="checkbox"/>
Maximum TFWH footprint: 0.30 ha for maximum of 60 workers	<input checked="" type="checkbox"/>
Maximum temporary farm workers per city sector: 60	<input checked="" type="checkbox"/>

# Development Policy: OCP Policies & Permit Guidelines

Policy / Guideline	Meets
Agriculture is the principal use on the parcel	☑
Scale of farm operation is large enough that permanent help is deemed necessary	☑
TFWH on non-permanent foundations where the need for farm worker housing is justified	☑
Building footprint within 50 m of the road or located to maximize agricultural potential and limit negative impacts on the farm parcel	X
Minimum 3 m wide vegetated buffer for screening to adjacent property lines and between TFWH and active farming (In the process of being done)	☑

# AAC Recommendation

- ▶ Application went to the Agricultural Advisory Committee on December 12<sup>th</sup>, 2024;
  - ▶ AAC Recommended that Council support the application.

# Staff Recommendation

- ▶ Staff recommend **support** of the proposed Non-Adhering Residential Use Permit Application.
  - ▶ Meets intent of Zoning Bylaw and OCP;
  - ▶ Does not utilize productive agricultural lands or harm adjacent farm operations;
  - ▶ Applicant has demonstrated the scale of farm and nursery is large enough to support workers.
- ▶ Recommend the application be forwarded to ALC for consideration.



## *Conclusion of Staff Remarks*

# REPORT TO COUNCIL REZONING



**Date:** January 13, 2025  
**To:** Council  
**From:** City Manager  
**Address:** 667 & 681 Wardlaw Ave  
**File No.:** Z24-0039

	Existing	Proposed
<b>OCP Future Land Use:</b>	UC – Urban Centre	UC – Urban Centre
<b>Zone:</b>	UC5 – Pandosy Urban Centre	UC5r – Pandosy Urban Centre Rental Only

### 1.0 Recommendation

THAT Rezoning Application No. Z24-0039 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of:

- a) Lot 1 District Lot 14 ODYD Plan 3769, located at 681 Wardlaw Ave, Kelowna, BC; and
- b) Lot 2 District Lot 14 ODYD Plan 3769, located at 667 Wardlaw Ave, Kelowna, BC

from the UC5 – Pandosy Urban Centre zone to the UC5r – Pandosy Urban Centre Rental Only zone, be considered by Council.

### 2.0 Purpose

To rezone the subject properties from the UC5 – Pandosy Urban Centre zone to the UC5r – Pandosy Urban Centre Rental Only zone to facilitate apartment housing.

### 3.0 Development Planning

Staff recommend support for the proposed rezoning to the UC5r – Pandosy Urban Centre Rental Only zone. The proposed rezoning will facilitate the development of a rental apartment building which aligns with the Official Community Plan (OCP) Future Land Use Designation of Urban Centre and the City’s Housing Needs Assessment. The proposed rezoning is consistent with OCP Policies which encourage medium density residential development and diverse housing tenures within our Urban Centre’s.

Lot Area	Proposed (m <sup>2</sup> )
Gross Site Area	1,125 m <sup>2</sup>
Road Dedication	N/A
Undevelopable Area	N/A
Net Site Area	1,125 m <sup>2</sup>

4.0 Site Context & Background

Orientation	Zoning	Land Use
North	MF1 – Infill Housing zone	Semi – Detached Dwelling
East	P4 - Utilities	Utility Services, Infrastructure
South	P3 – Parks and Open Space	Park
West	UC5 – Pandosy Urban Centre	Single Detached Dwelling

Subject Property Map: 667 & 681 Wardlaw Ave



The subject property is located within the Pandosy Urban Centre and is near a variety of commercial shopping areas, employment options, transit stops, public schools, and parks. Osprey Park is located immediately to the south. The area has seen significant redevelopment with two other apartments constructed on this block of Wardlaw and an apartment being constructed on the opposite side of Richter Street.

**5.0 Current Development Policies**

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

<b>Objective 4.1 Strengthen the Urban Centres as Kelowna’s primary hubs of activity</b>	
Policy 4.1.6 High Density Residential Development	Direct medium and high-density residential development to Urban Centres to provide a greater mix of housing near employment and to maximize use of existing and new infrastructure, services and amenities. <i>The proposed rezoning would increase residential density within the Urban Centre.</i>
<b>Objective 4.12. Increase the diversity of housing types and tenures to create inclusive, affordable, and complete Urban Centres.</b>	
Policy 4.12.3. Diverse Housing Tenures	Encourage a range of rental and ownership tenures that support a variety of households, income levels, and life stages. Promote underrepresented forms of tenure, including but not limited to co-housing, fee simple row housing, co-ops, and rent-to-own. <i>The proposed rental only subzone will ensure the proposed apartment housing will be developed and maintained as long-term-rental units.</i>

**6.0 Application Chronology**

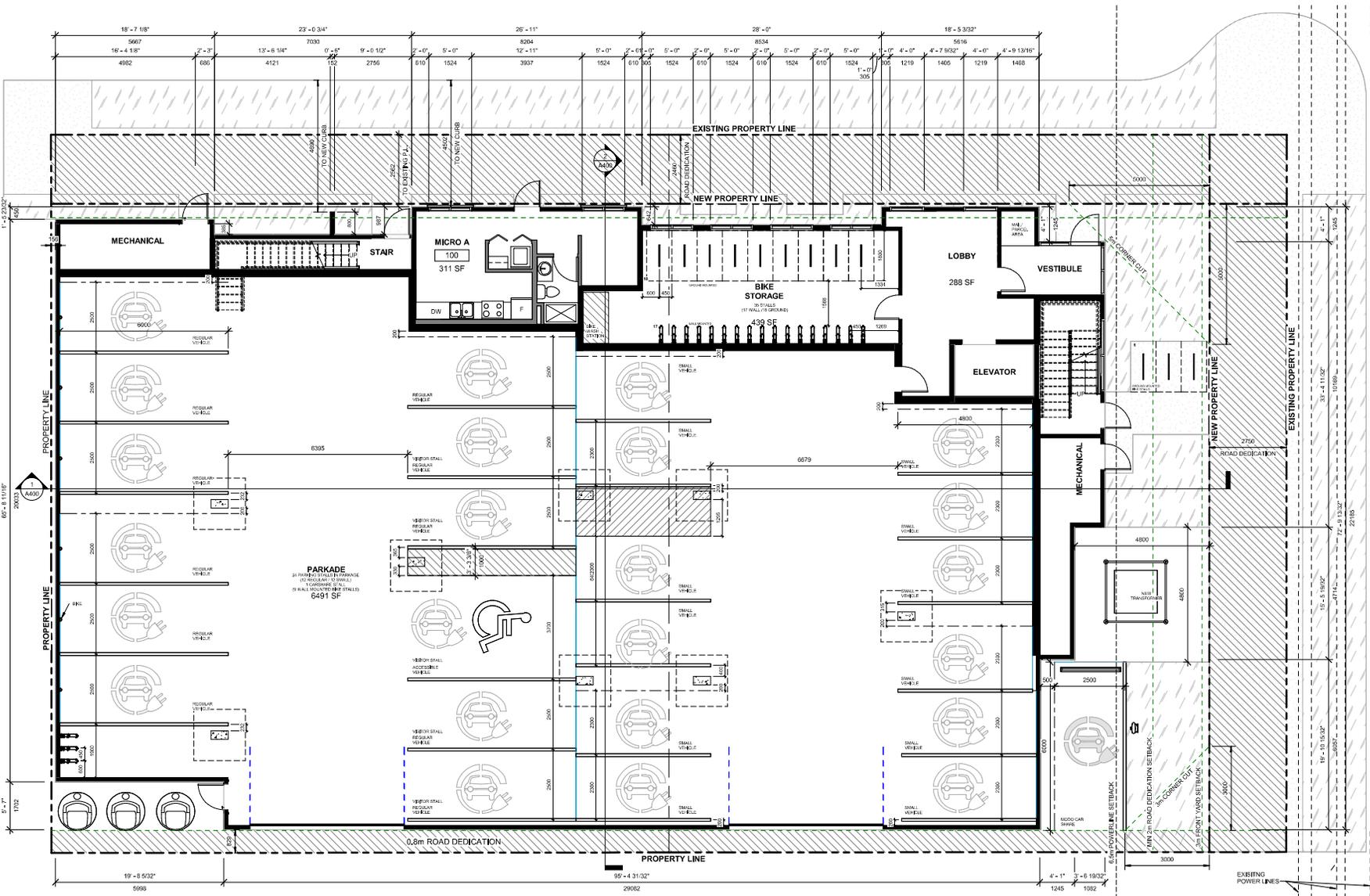
Application Accepted: July 31, 2024  
 Neighbourhood Notification Summary Received: November 8, 2024

**Report prepared by:** Jason Issler, Planner II  
**Reviewed by:** Trisa Atwood, Development Planning Manager  
**Reviewed by:** Nola Kilmartin, Development Planning Department Manager  
**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning, Climate Action & Development Services

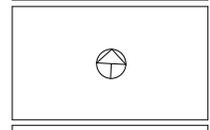
**Attachments:**  
 Attachment A: DRAFT Site Plan  
 Attachment B: Summary of Neighbourhood Notification

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

THE COPYRIGHT OF ALL DESIGN AND DRAWINGS IS THE PROPERTY OF THE DESIGNER. ANY REPRODUCTION, DISTRIBUTION, OR ANY OTHER USE OF THESE DRAWINGS FOR ANY PURPOSE OTHER THAN THAT AUTHORIZED IS PROHIBITED. DRAWINGS ARE TO BE READ, NOT SCALED. CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION. REPORT ANY ERRORS OR DISCREPANCIES IMMEDIATELY.



**STRETCH CONSTRUCTION LIMITED** est. 1990  
 310-550 WEST AVE  
 KELLOWNA, BC V1Y 4Z4  
 403-786-3020 EXT. 106  
 RICHARD.BOERGER@STRETCHCONSTRUCTION.CA



PROJECT INFORMATION  
**667, 681 Wardlaw Avenue**

PLAN KAP3769  
 LOT 1 DISTRICT  
 LOT 14  
 PLAN KAP3769  
 LOT 2 DISTRICT  
 LOT 14

PROFESSIONALS:  
**MGA ARCHITECTURE** + **AT** **topofhis**



STAMPS

REVISIONS	DATE	DESCRIPTION
E	2024-10-21	RE-ISSUED FOR DP
D	2024-10-17	ISSUED FOR REVIEW
C	2024-09-26	ISSUED FOR TRS REVIEW
B	2024-06-24	ISSUED FOR DP
A	2023-10-26	ISSUED FOR REVIEW

Drawing Title:  
**MAIN FLOOR PLAN**

JOB No. —  
 DATE: 2024-10-17  
 DRAWN: STRETCH

① 01-Main Floor  
 3/16" = 1'-0"

**A200**

**ATTACHMENT A**  
 This forms part of application  
 # Z24-0039

Planner Initials **JJ**

**City of Kelowna**  
 DEVELOPMENT PLANNING

## Summary of Neighbour Notification

**Date of Notification Completion:**

November 8, 2024

**Methods of Notification:**

Letters were hand delivered to each address.

**List of Addresses Notified:**

2585 Richter St V1Y2R1	622 Wardlaw Ave V1Y5B7
2587 Richter St V1Y2R1	625 Wardlaw Ave V1Y5B6
2590 Richter St V1Y2R2	640 Wardlaw Ave V1Y5B6
2597 Richter St V1Y2R1	641 Wardlaw Ave V1Y5B6
2598 Richter St V1Y2R2	648 Wardlaw Ave V1Y5B6
2607 Richter St V1Y2R3	650 Wardlaw Ave V1Y5B6
2609 Richter St V1Y2R3	652 Wardlaw Ave V1Y5B6
2629 Richter St V1Y2R3	654 Wardlaw Ave V1Y5B6
2643 Richter St V1Y2R3	667 Wardlaw Ave V1Y5B6
2663 Richter St V1Y2R3	680 Wardlaw Ave V1Y5B7
605 Wardlaw Ave V1Y5B6	681 Wardlaw Ave V1Y5B6
620 Wardlaw Ave V1Y5B7	727 Wardlaw Ave V1Y5B6

**Details of the Types of Information Provided:**

The letters included:

- An overview of the proposed project with photo realistic render.
- Contact details for further questions or concerns.
- A request for feedback on the proposal.

**Feedback or Key Issues Received from Neighbours:**

No feedback or issues were received from neighbours.

**Changes to the Project Resulting from Neighbour Notification:**

No changes to the project design were made as a result of the neighbour notification process.

ATTACHMENT B

This forms part of application  
# Z24-0039

Planner  
Initials

JI



City of  
Kelowna

DEVELOPMENT PLANNING

**CITY OF KELOWNA**  
**BYLAW NO. 12736**  
**Z24-0039**  
**667 & 681 Wardlaw 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:
  - a) Lot 1 District Lot 14 ODYD Plan 3769, located on Wardlaw Avenue, Kelowna, BC; and
  - b) Lot 2 District Lot 14 ODYD Plan 3769, located on Wardlaw Avenue, Kelowna, BC;from the UC5 – Pandosy Urban Centre zone to the UC5r – Pandosy Urban Centre Rental Only 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**

# Z24-0039 667 & 681 Wardlaw Ave

Rezoning Application

# Purpose

- ▶ To rezone the subject property from the UC5 – Pandosy Urban Centre zone to the UC5r – Pandosy Urban Centre zone (rental only) zone to facilitate apartment housing.

# Development Process



Jul 31, 2024

Development Application Submitted

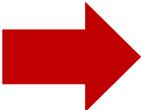


Staff Review & Circulation



Nov 8, 2024

Neighbour Notification Received



Jan 13, 2025

Initial Consideration



Reading Consideration

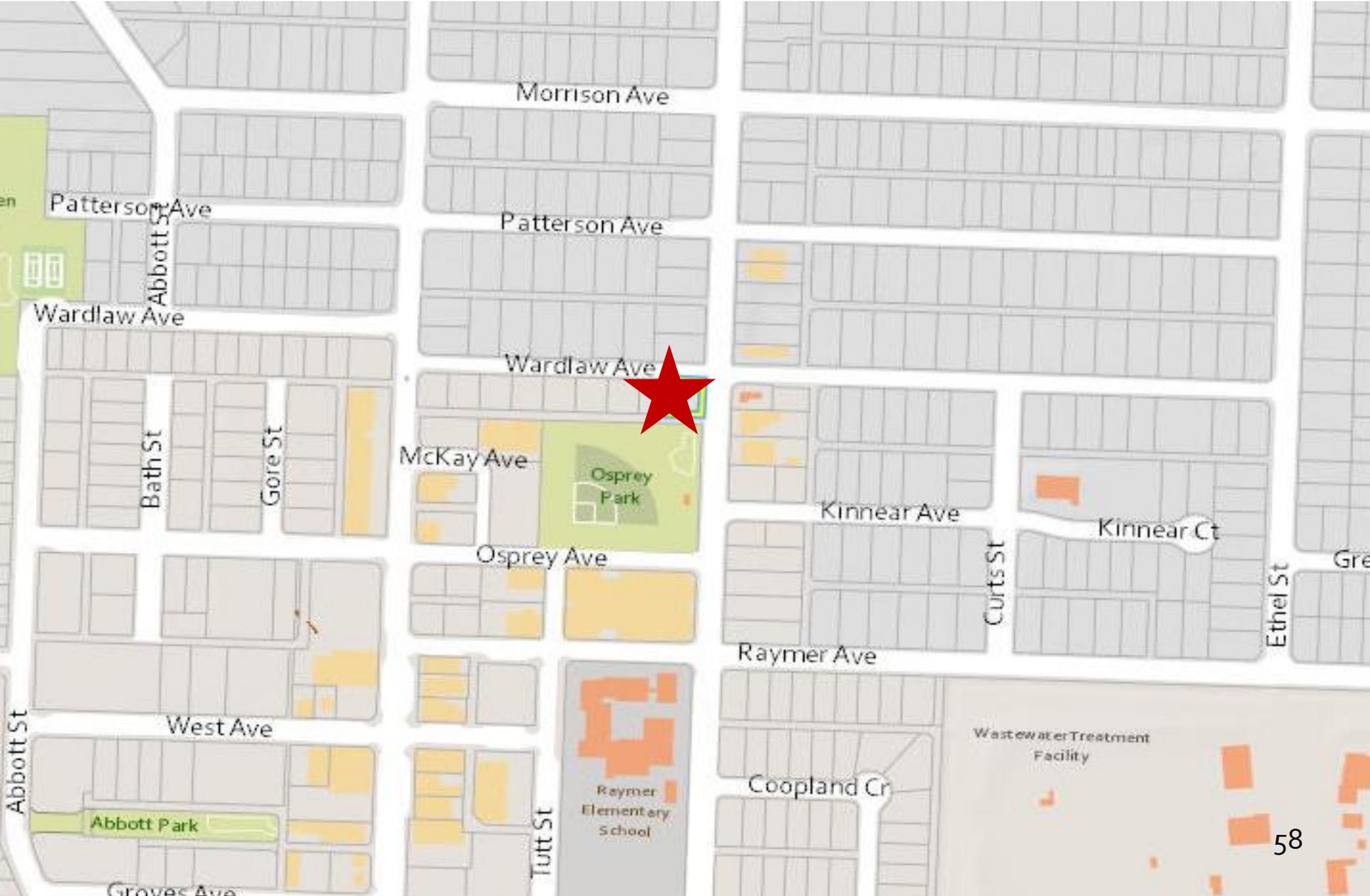


Final Reading



Council Approvals

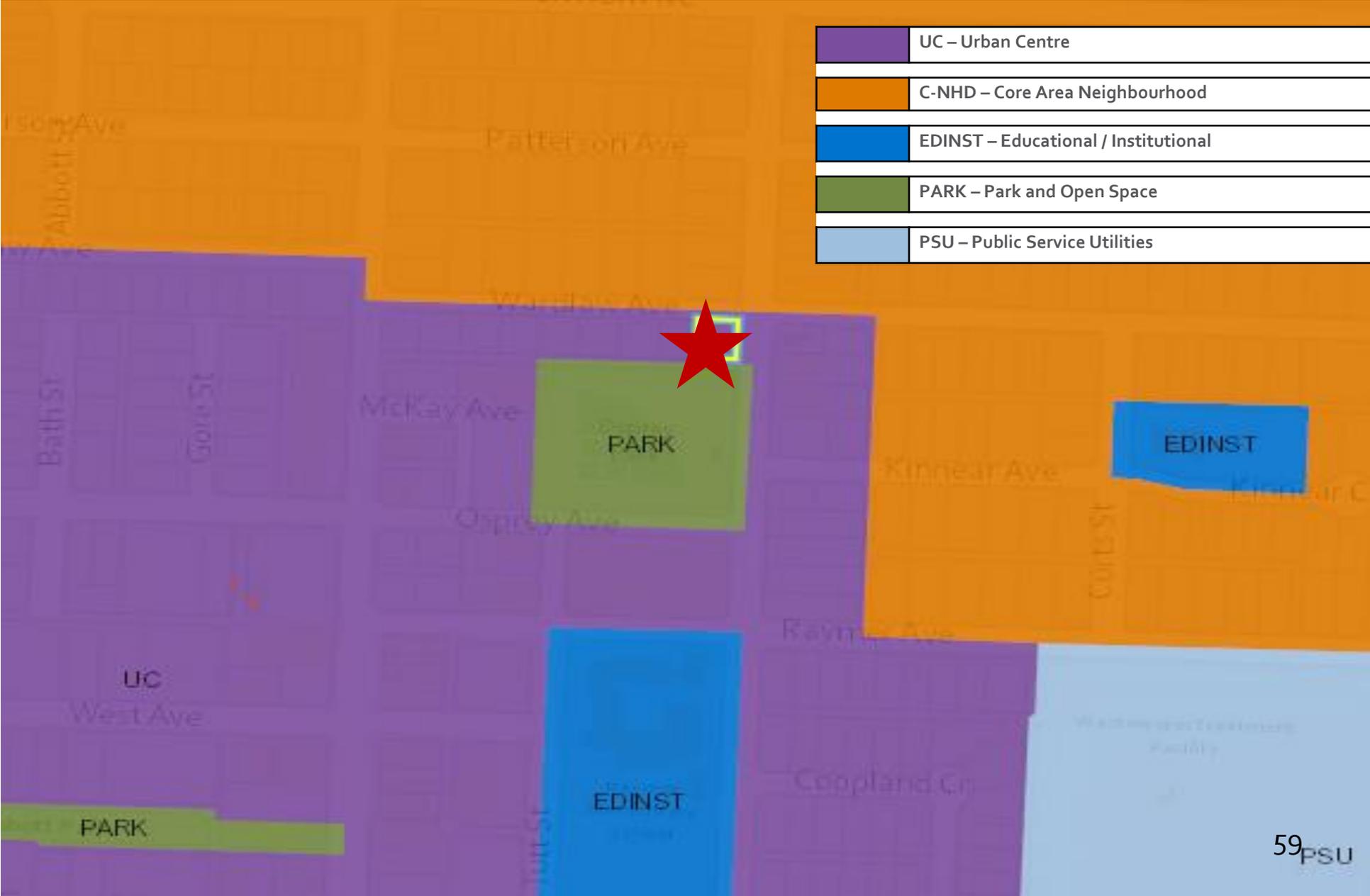
# Context Map



# OCP Future Land Use



	UC – Urban Centre
	C-NHD – Core Area Neighbourhood
	EDINST – Educational / Institutional
	PARK – Park and Open Space
	PSU – Public Service Utilities



# Subject Property Map



# “r” – Rental Only Subzone

## Purpose

- To provide a sub-zone that restricts the dwelling units to a rental only tenure and to prohibit any building or bareland stratification.

## Summary of Uses

- Dwelling units must be long-term rental only
- Eligible to apply for Revitalization Tax Exemption

# “r” – Rental Only Subzone

Regulation	Maximum Permitted
Bonus Height	22.0 m & 6 storeys
Bonus Floor Area Ratio	Rental/Affordable: 0.3
Parking Reduction	20% Urban Centre

# OCP Objectives – Climate Resilience

## Climate Criteria

**Dark Green** – Meets Climate Criteria

**Light Green** – Will Meet Criteria Soon

**Yellow** – Does not meet Climate Criteria

10 min Walk to Retail/Restaurants	Dark Green
5 min Walk to Park	Dark Green
10 min Bike to Public School	Dark Green
20 min Bus to Urban Centre/Village Centre/Employment Hub	Dark Green
Retaining Trees and/or Adding Trees	Dark Green
<b>OCP Climate Resilience Consistency</b>	Dark Green

# OCP Objectives & Policies

- ▶ UC: Urban Centre
- ▶ Policy 4.1 – Strengthen the Urban Centres as Kelowna’s primary hubs of activity.
- ▶ Policy 4.12 – Increase the diversity of housing types and tenures to create inclusive, affordable, and complete Urban Centres.

# Staff Recommendation

- ▶ Staff recommend **support** for the proposed rezoning as it is consistent with:
  - ▶ OCP Future Land Use Urban Centre
  - ▶ OCP Objectives in Chapter 4
    - ▶ Housing Diversity
    - ▶ Rental Housing
  - ▶ Housing Needs Assessment for rental housing
  - ▶ Development Permit to follow for Council consideration

# REPORT TO COUNCIL REZONING



**Date:** January 13, 2025  
**To:** Council  
**From:** City Manager  
**Address:** 1230 Brookside Ave  
**File No.:** Z24-0054

	Existing	Proposed
<b>OCP Future Land Use:</b>	UC – Urban Centre NAT – Natural Area	UC – Urban Centre NAT – Natural Area
<b>Zone:</b>	UC <sub>2</sub> – Capri-Landmark Urban Centre	UC <sub>2r</sub> – Capri-Landmark Urban Centre Rental Only

### 1.0 Recommendation

THAT Rezoning Application No. Z24-0054 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 1 District Lot 137 ODYD Plan 4386, located at 1230 Brookside Ave, Kelowna, BC from the UC<sub>2</sub> – Capri-Landmark Urban Centre zone to the UC<sub>2r</sub> – Capri-Landmark Urban Centre Rental Only 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.

### 2.0 Purpose

To rezone the subject property from the UC<sub>2</sub> – Capri-Landmark Urban Centre zone to the UC<sub>2r</sub> – Capri-Landmark Urban Centre Rental Only zone to facilitate apartment housing.

### 3.0 Development Planning

Staff recommend support for the proposed rezoning from the UC<sub>2</sub> – Capri-Landmark Urban Centre zone to the UC<sub>2r</sub> – Capri-Landmark Urban Centre Rental Only zone to facilitate a rental only apartment development. The rental only tenure aligns with Official Community Plan (OCP) policies to achieve medium density residential development in Urban Centres and to encourage diverse housing tenures, and responds to the Housing Needs Assessment by providing long term rentals in the community.

Lot Area	Proposed (m <sup>2</sup> )
Gross Site Area	2,064 m <sup>2</sup>
Road Dedication	N/A
Undevelopable Area	535 m <sup>2</sup>
Net Site Area	1,529 m <sup>2</sup>

4.0 Site Context & Background

Orientation	Zoning	Land Use
North	UC2 – Capri-Landmark Urban Centre	Vacant
East	UC2 – Capri-Landmark Urban Centre	Apartment Housing
South	UC2 – Capri-Landmark Urban Centre	Townhouses
West	UC2 – Capri-Landmark Urban Centre	Vacant

Subject Property Map: 1230 Brookside Ave



The subject property is located on Brookside Ave with two accesses to the site, one from Brookside Ave and the other from Pasnak St. The surrounding area is primarily zoned UC2 –Capri-Landmark Urban Centre, and consists of apartment housing, single dwelling housing, and commercial uses. The subject property is in close proximity to transit along Sutherland Ave and Gordon Dr, Pacific Court Park, and Capri Centre Mall.

**Current Development Policies**

4.1 Kelowna Official Community Plan (OCP)

<b>Objective 4.12. Increase the diversity of housing types and tenures to create inclusive, affordable and complete Urban Centres</b>	
Policy 4.12.1 – Diverse Housing Forms	Ensure a diverse mix of medium-density and high-density housing forms in Urban Centres to support a variety of households types and sizes, income levels and life stages. <i>The proposal is for a purpose-built rental only apartment for housing with supports and offered programs.</i>
Policy 4.12.3 – Diverse Housing Tenures	Encourage a range of rental and ownership tenures that support a variety of households, income levels, and life stages. <i>The proposal will facilitate a rental only tenure in the Capri-Landmark Urban Centre</i>

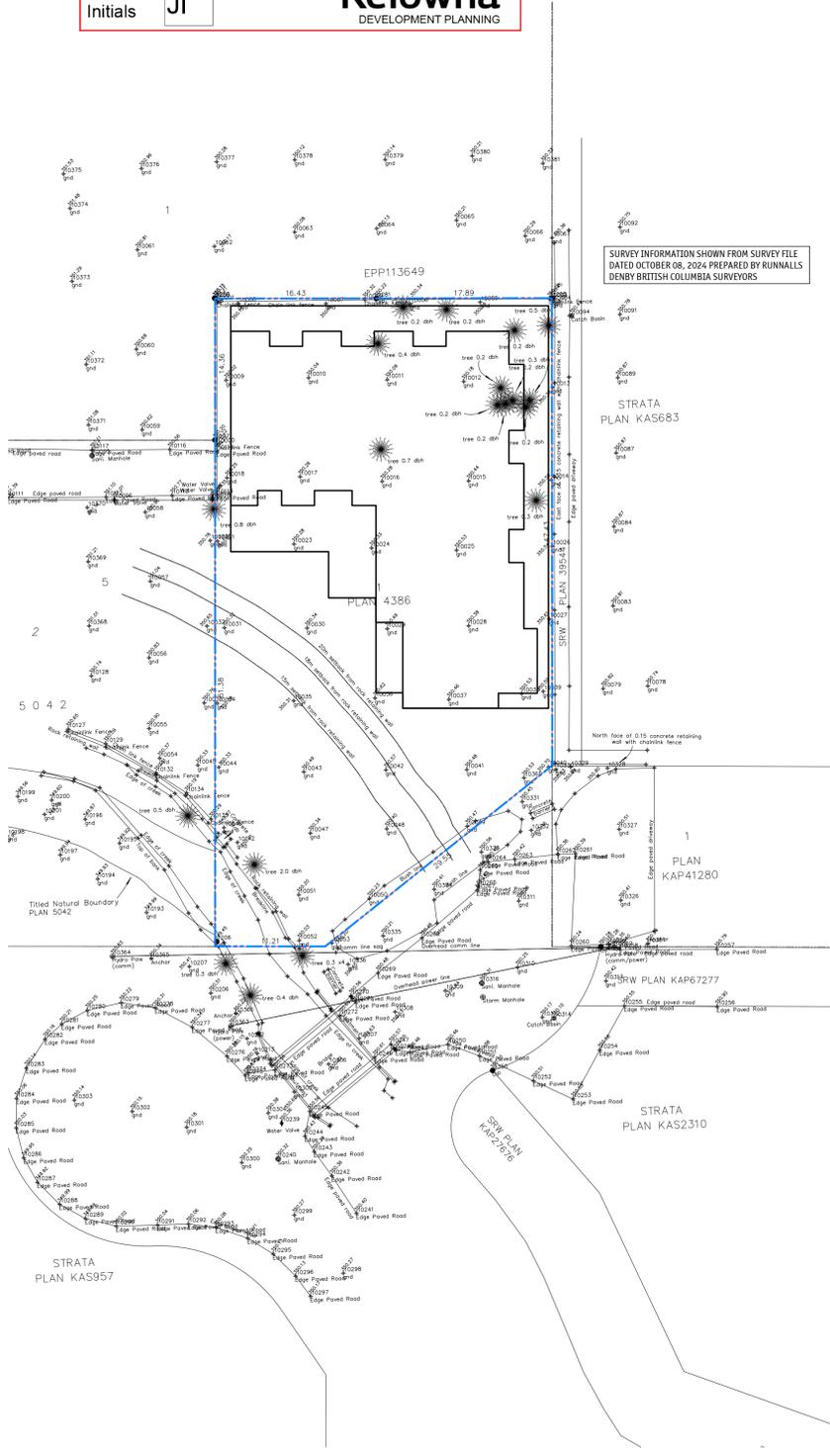
**5.0 Application Chronology**

Application Accepted: October 23, 2024  
 Neighbourhood Notification Summary Received: November 28, 2024

**Report prepared by:** Jason Issler, Planner II  
**Reviewed by:** Trisa Atwood, Development Planning Manager, Central  
**Reviewed by:** Nola Kilmartin, Development Planning Department Manager  
**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning, Climate Action & Development Services

**Attachments:**  
 Attachment A: DRAFT Site Plan  
 Attachment B: Summary of Neighbourhood Notification

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



1 SURVEY PLAN  
 N.T.S.



3 PHOTO 1  
 VIEW LOOKING NORTH TO SITE FROM BROOKSIDE AVE



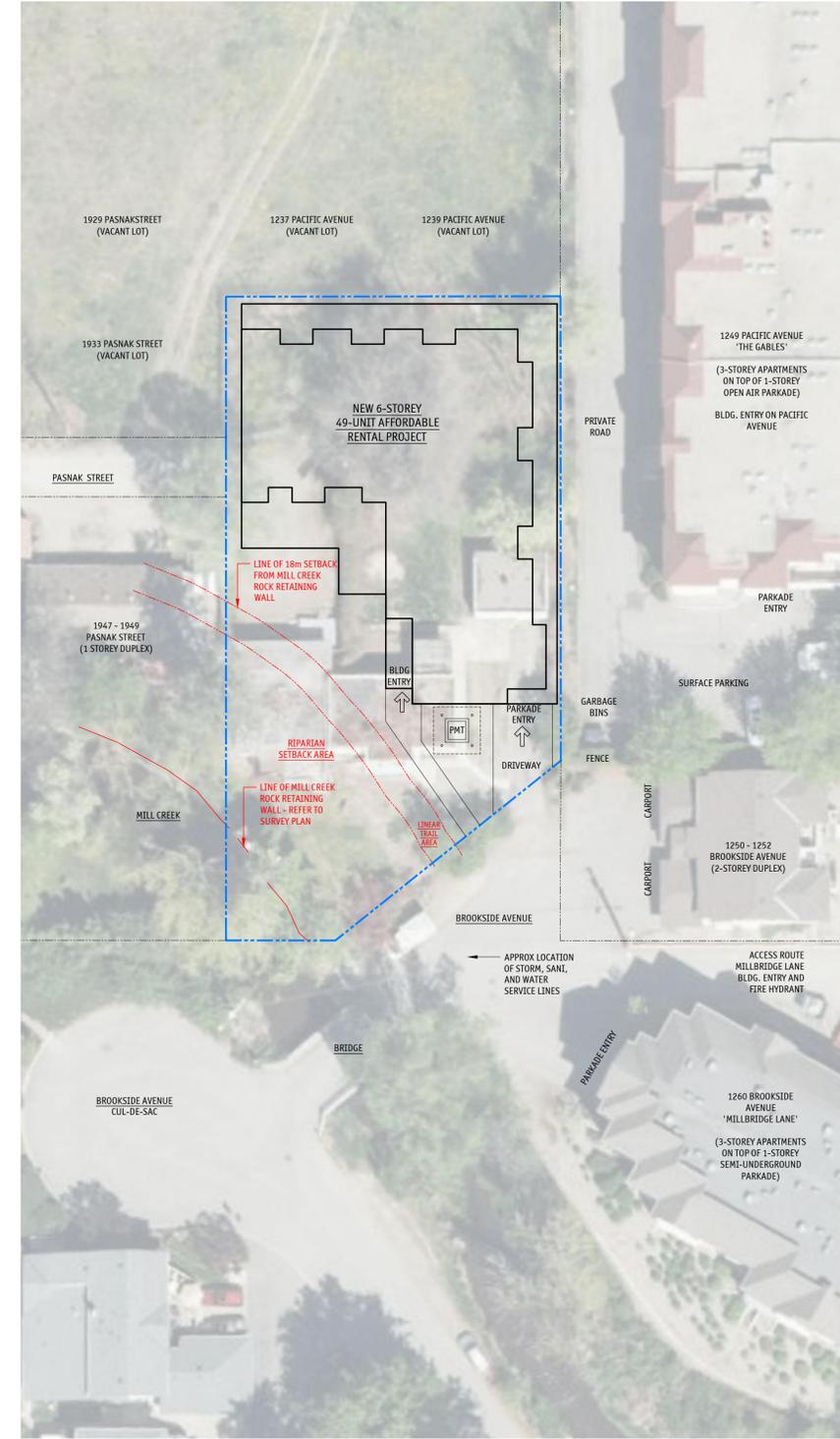
4 PHOTO 2  
 VIEW LOOKING SOUTHEAST TO MILL CREEK FROM SITE



4 PHOTO 3  
 VIEW LOOKING WEST TO PASNAK STREET FROM SITE



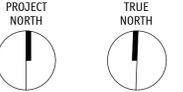
6 PHOTO 4  
 VIEW LOOKING NORTHWEST FROM SITE



1 CONCEPT SITE PLAN  
 N.T.S.



2024-10-17



Copyright reserved. This plan and design is and at all times remains the exclusive property of Meiklejohn Architects Inc. and may not be used without the Architects' consent.

No.	Date	Revision
01	2024-10-21	ISSUED FOR REZONING

Project Title  
**BC HOUSING & CANADIAN MENTAL HEALTH ASSOCIATION AFFORDABLE RENTAL APARTMENT PROJECT**

1320 BROOKSIDE AVENUE, KELOWNA BC

Drawing Number

**A1.01**

DRAWINGS ARE NOT TO BE SCALED. ALL DIMENSIONS SHALL BE VERIFIED ON JOB

Drawing Title  
**SITE PLAN  
 SITE PHOTOS  
 EXISTING SURVEY**

Job No.	m+m 24-2011
Scale	AS SHOWN
Drawn	ST
Checked	ST



November 28, 2024

City of Kelowna  
1435 Water Street  
Kelowna, BC  
V1Y 1J4

<b>ATTACHMENT</b>		<b>B</b>
This forms part of application		
# Z24-0054		
Planner Initials	<b>JJ</b>	 <b>City of Kelowna</b> <small>DEVELOPMENT PLANNING</small>

**RE: SUMMARY OF NEIGHBOURHOOD NOTIFICATION FOR 1230 BROOKSIDE AVENUE  
REZONING**

This summary of neighborhood notification provides an overview of the methods, content, and feedback related to the proposed development at 1230 Brookside Avenue, in accordance with City of Kelowna Council Policy No. 367.

**DATE THE MAIL OUTS OR FACE-TO-FACE NOTIFICATION WAS COMPLETED**

A) All notifications were completed on November 29<sup>th</sup>, 2024.

**METHODS OF NOTIFICATION (MAIL OUT, FACE-TO-FACE, WEBSITE, ETC.)**

B) 60 of the 125 notices were mailed out via Purolator express shipping on November 28, 2024, and the remaining 65 notices will be mailed November 29<sup>th</sup>, 2024, via Purolator express shipping.

**LIST OF ALL ADDRESSES NOTIFIED**

C) Addresses notified include the following:

- |                              |                           |
|------------------------------|---------------------------|
| • 1209 Brookside Avenue      | • 1249 Pacific Avenue     |
| • 1225 Brookside Avenue      | • 1950-1960 Pacific Court |
| • 1230 Brookside Avenue      | • 1937 Paskin Street      |
| • 1250-1252 Brookside Avenue | • 1941-1943 Paskin Street |
| • 1260 Brookside Avenue      | • 1947-1949 Paskin Street |
| • 1239 Pacific Avenue        |                           |

**DETAILS OF THE TYPES OF INFORMATION PROVIDED**

D) The notice provides project-specific details, outlining the proposed development at 1230 Brookside Avenue. It describes the collaboration between Canadian Mental Health Association (CMHA)

Kelowna, M’akola Development Services, and Meiklejohn Architects to construct a 6-storey building with 49 affordable rental units. The unit mix includes studio, one-bedroom, and two- to three-bedroom apartments, with 5% of units designed to meet accessibility standards. The text also specifies amenities, such as private and common spaces, along with provisions for tenant services like flu clinics and virtual counseling, allowing tenants to access some of the existing virtual counselling services offered by CMHA Kelowna.

The notice addresses housing needs and community benefits, referencing data from Kelowna’s 2021 Housing Needs Assessment. Specifically, it highlights the significant proportion of renters in Core Housing Need and the immediate need for more affordable housing options which the proposed development will provide. It also emphasizes the development’s strategic location near bus routes, stores, schools, parks, and the downtown core, optimizing its ability to promote accessibility and connectivity within the community.

The notice provides environmental considerations, detailing the property’s proximity to Mill Creek and adherence to the City’s Riparian Management Area Setbacks. It discusses plans for a 15-metre ecological setback and the City’s intention to add a multi-use path under the Linear Parks Master Plan, emphasizing the project team’s goal of enabling a context-sensitive approach to balance environmental preservation with the need for affordable housing.

Finally, the notice includes contact information for feedback or inquiries. It directs residents to reach out to Jodie Laborde of M’akola Development Services or Jason Issler of the City of Kelowna for further details or to express concerns about the project.

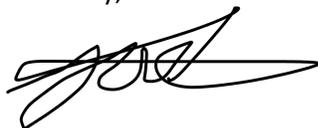
**ANY FEEDBACK OR KEY ISSUES RECEIVED FROM THE NEIGHBOURS**

E) To date, no feedback or significant concerns have been raised by neighboring residents.

**OUTLINE ANY CHANGES TO THE PROJECT RESULTING FROM NEIGHBOUR NOTIFICATION**

F) To date, no changes have been made to the project as a result of the neighbor notification process, as no negative feedback has been received. Should additional feedback be provided, we will gladly consider accommodating the needs of the surrounding community.

Sincerely,



Jodie Laborde, B.U.R.Pl  
Project Planner  
M’akola Development Services  
Ph: 778-401-6033

<b>ATTACHMENT</b>	<b>B</b>
This forms part of application # Z24-0054	
Planner Initials	JI
 City of <b>Kelowna</b> DEVELOPMENT PLANNING	

**CITY OF KELOWNA**  
**BYLAW NO. 12737**  
**Z24-0054**  
**1230 Brookside 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 1 District Lot 137 ODYD Plan 4386, located on Brookside Avenue, Kelowna, BC from the UC2 – Capri-Landmark Urban Centre zone to the UC2r – Capri-Landmark Urban Centre Rental Only 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

---

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk



City of  
**Kelowna**

# Z24-0054 1230 Brookside Ave

Rezoning Application

# Purpose

- ▶ To rezone the subject property from the UC2 – Capri-Landmark Urban Centre zone to the UC2r – Capri-Landmark Urban Centre Rental Only zone to facilitate apartment housing.

# Rezoning Process



Oct 23, 2024

Development Application Submitted

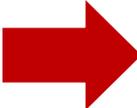


Staff Review & Circulation



Nov 28, 2024

Neighbour Notification Received



Jan 13, 2025

Initial Consideration



Reading Consideration

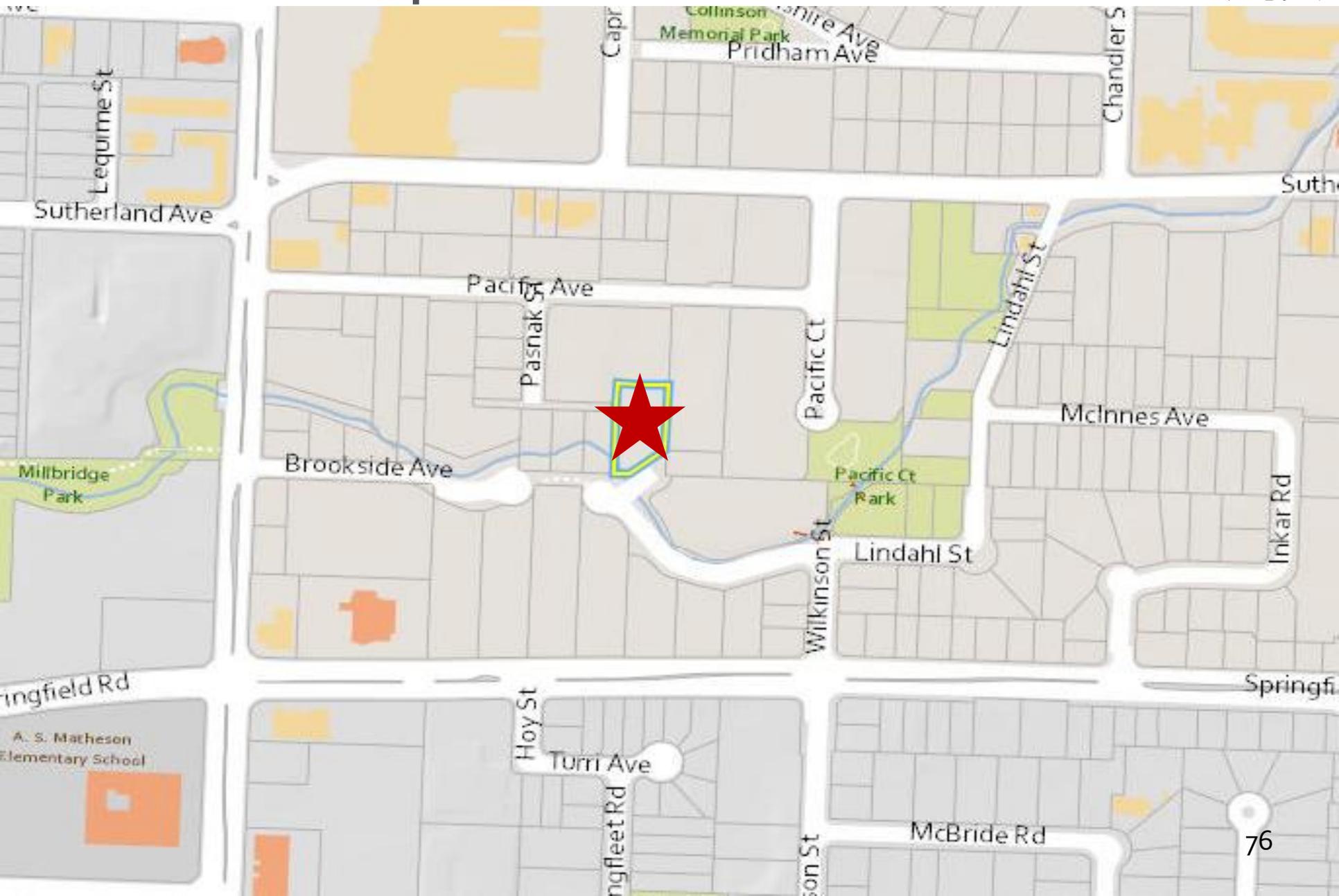


Final Reading

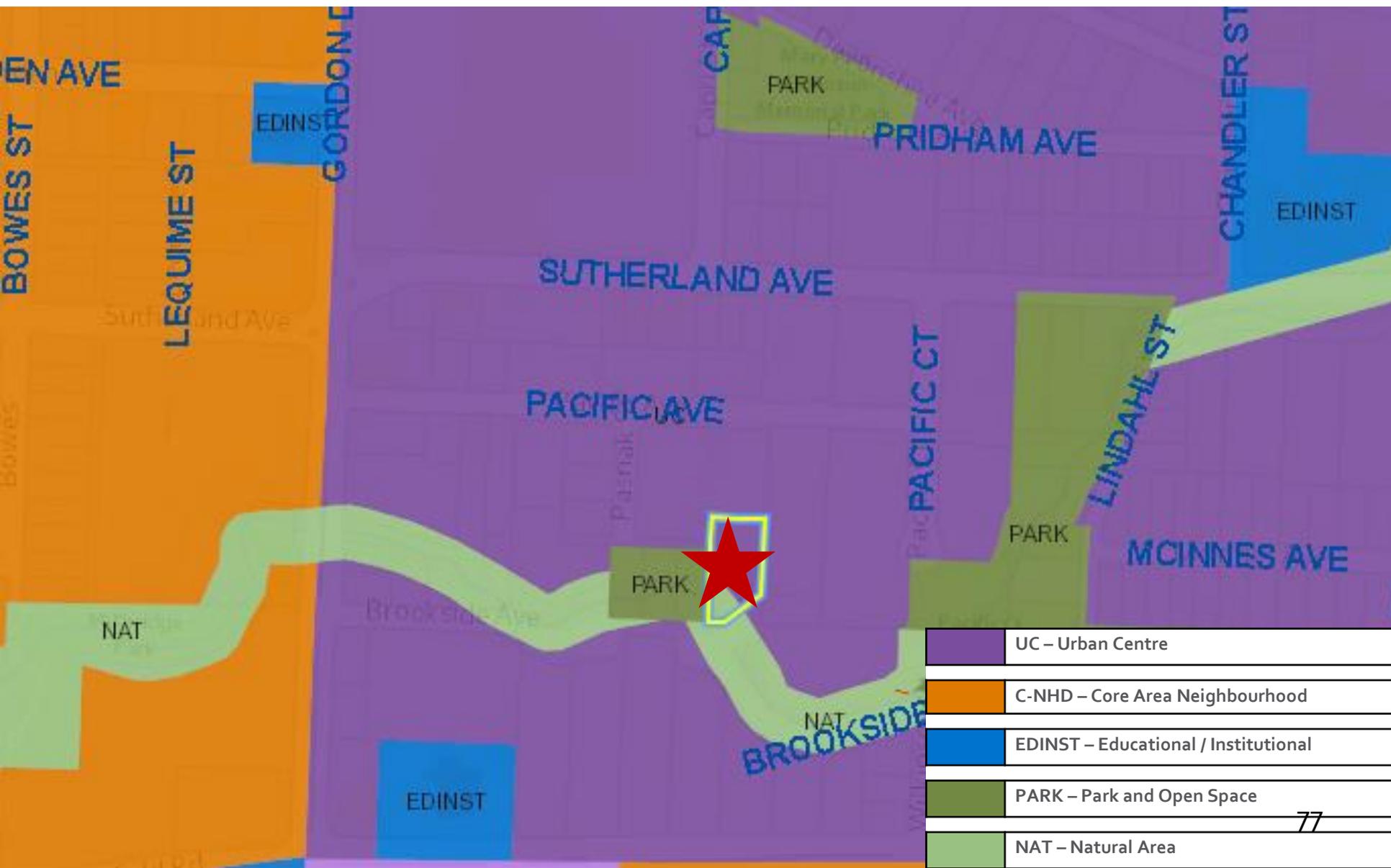


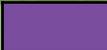
Council Approvals

# Context Map

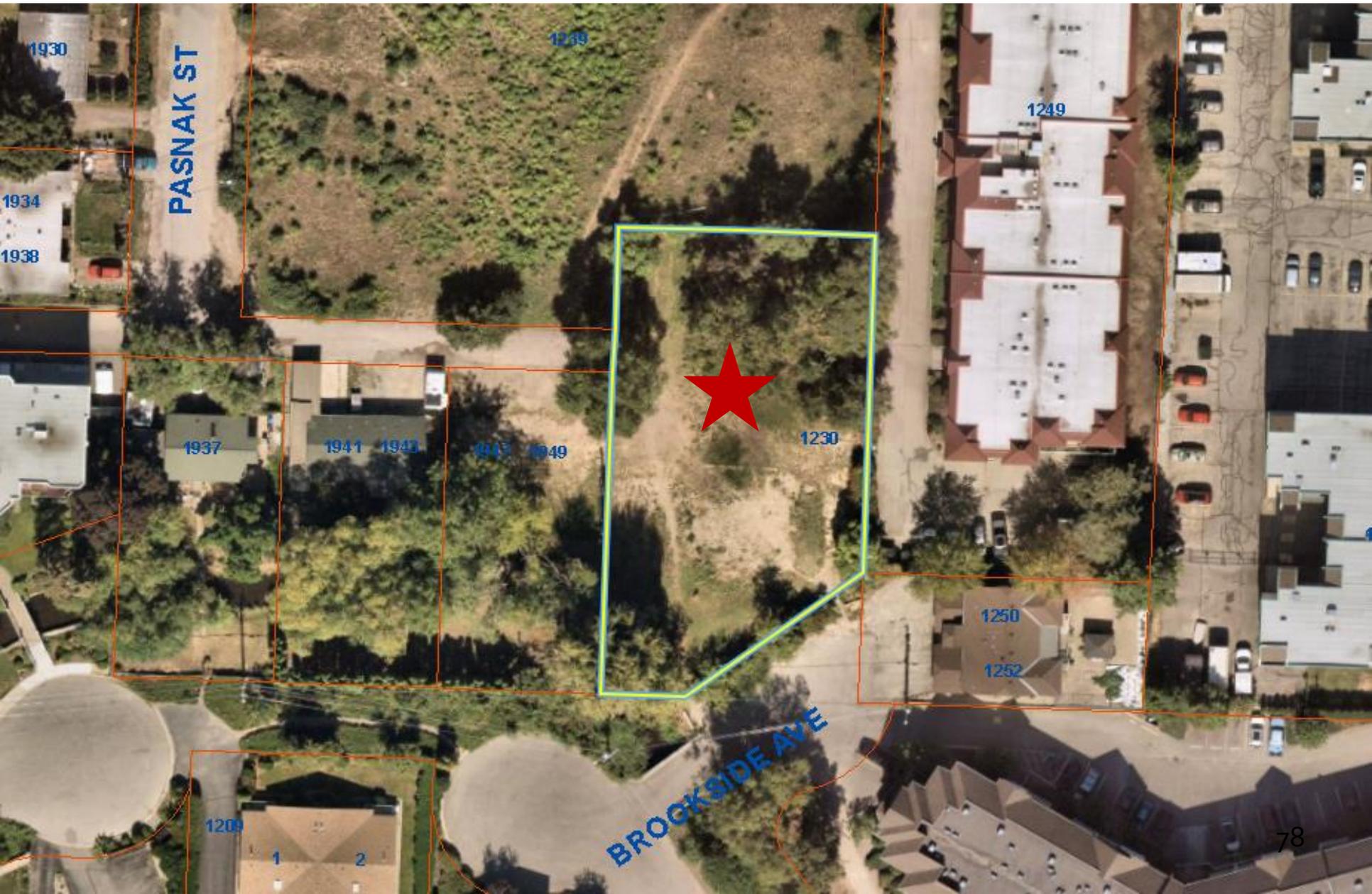


# OCP Future Land Use



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

# Subject Property Map



# “r” – Rental Only Subzone

## Purpose

- To provide a sub-zone that restricts the dwelling units to a rental only tenure and to prohibit any building or bareland stratification.

## Summary of Uses

- Dwelling units must be long-term rental only
- Eligible to apply for Revitalization Tax Exemption

# “r” – Rental Only Subzone

Regulation	Maximum Permitted
Bonus Height	N/A
Bonus Floor Area Ratio	Rental/Affordable: 0.3
Parking Reduction	20% Urban Centre

# OCP Objectives – Climate Resilience

## Climate Criteria

**Dark Green** – Meets Climate Criteria

**Light Green** – Will Meet Criteria Soon

**Yellow** – Does not meet Climate Criteria

10 min Walk to Retail/Restaurants	Dark Green
5 min Walk to Park	Dark Green
10 min Bike to Public School	Dark Green
20 min Bus to Urban Centre/Village Centre/Employment Hub	Dark Green
Retaining Trees and/or Adding Trees	Dark Green
<b>OCP Climate Resilience Consistency</b>	Dark Green

# OCP Objectives & Policies

- ▶ UC: Urban Centre
- ▶ Policy 4.12.1 – Increase the diversity of housing types and tenures to create inclusive, affordable, and complete Urban Centres.
- ▶ Policy 4.12.3 – Encourage a range of rental and ownership tenures that support variety of households, income levels, and life stages.

# Staff Recommendation

- ▶ Staff recommend **support** for the proposed rezoning as it is consistent with:
  - ▶ OCP Future Land Use Urban Centre
  - ▶ OCP Objectives in Chapter 4
    - ▶ Housing Diversity
    - ▶ Rental Housing
  - ▶ Housing Needs Assessment for rental housing
  - ▶ Development Permit to follow for Council consideration

# REPORT TO COUNCIL REZONING



**Date:** January 13, 2025  
**To:** Council  
**From:** City Manager  
**Address:** 2009 Enterprise Way  
**File No.:** Z24-0052

	Existing	Proposed
<b>OCP Future Land Use:</b>	RCOM – Regional Commercial	RCOM – Regional Commercial
<b>Zone:</b>	CA1 – Core Area Mixed Use	CA1rcs – Core Area Mixed Use Retail Cannabis Sales

## 1.0 Recommendation

THAT Rezoning Application No. Z24-0052 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 1 District Lot 140 ODYD Plan 27785, located at 2009 Enterprise Way, Kelowna, BC from the CA1 – Core Area Mixed Use zone to the CA1rcs – Core Area Mixed Use Retail Cannabis Sales zone, be considered by Council;

AND THAT if the Rezoning Bylaw is adopted, Council direct Staff to send a recommendation to the Provincial Liquor and Cannabis Regulation Branch that they support issuance of a non-medical cannabis retail store license for this legal lot with the following comments:

- The proposed store location meets local government bylaw requirements and as such, no negative impact is anticipated;
- The views of the residents were captured through the public notification process for the rezoning of the property and provided to Council for consideration; and
- Local government recommends that the application be approved because of the compliance with local regulations and policies.

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

## 2.0 Purpose

To rezone the subject property from the CA1 – Core Area Mixed Use zone to the CA1rcs – Core Area Mixed Use Retail Cannabis Sales zone to facilitate a retail cannabis sales establishment.

## 3.0 Development Planning

Staff support the application to rezone the subject property and to send a recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB) supporting the issuance of a cannabis retail store licence for this property.

The City’s Zoning Bylaw has a regulation requiring any retail cannabis sales establishment to be set back a minimum distance of 500 m from another retail cannabis sales establishment, measured from closest lot line to closest lot line (Section 9.9.2). The Zoning Bylaw defines retail cannabis sales to mean “a development

used for the retail sale of cannabis that has been licenced by the Government of British Columbia.” This subject property is within 500 m of another property that is currently zoned for retail cannabis sales, located at 2090 Harvey Ave, however the retail cannabis sales establishment on that property has closed, and there are no cannabis retail store licences issued by the Government of British Columbia currently valid on that property. As the retail cannabis sales definition Zoning Bylaw references a licenced establishment, Staff have interpreted that the 500 m setback regulation established in Section 9.9.2 does not apply, and recommend support for the rezoning application.

**4.0 Site Context & Background**

Orientation	Zoning	Land Use
North	P <sub>4</sub> – Utilities	Utility Services (Telus)
East	CA <sub>1</sub> – Core Area Mixed Use	Various Commercial Uses
South	CA <sub>1</sub> – Core Area Mixed Use	Various Commercial Uses
West	CA <sub>1</sub> – Core Area Mixed Use	Various Commercial Uses

**Subject Property Map: 2009 Enterprise Way**



The subject property is located on the south side of Enterprise Way, at Hardy St. It has the future land use designation in the Official Community Plan (OCP) of RCOM – Regional Commercial. Although these lands are intended to accommodate commercial uses that are more commonly accessed by vehicles, BC Transit stops are located nearby on Enterprise Way. The Midtown Urban Centre boundary is one block south, and the immediately adjacent properties include various commercial uses.

**4.1 Background**

The building on the subject property was originally constructed in 1978. No exterior changes to the existing building are proposed. This rezoning application will add retail cannabis sales as a permitted principal land use to the property. With the retail cannabis sales subzone, one of the existing commercial retail units would be converted to a retail cannabis sales establishment.

When the regulation was drafted in 2019, the intent of the 500 m minimum distance between retail cannabis stores was to avoid the clustering of multiple stores in certain areas. The property at 2090 Harvey Ave remains zoned to allow for retail cannabis sales, and a store could reopen on that property at anytime, subject to LCRB requirements.

### 5.0 Application Chronology

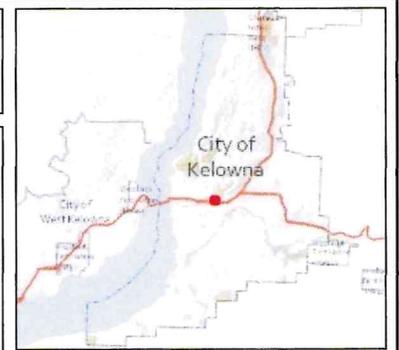
Application Accepted: October 8, 2024  
Neighbourhood Notification Summary Received: October 30, 2024

**Report prepared by:** Kimberly Brunet, Planner Specialist  
**Reviewed by:** Dean Strachan, Development Planning Manager  
**Reviewed by:** Nola Kilmartin, Development Planning Department Manager  
**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning, Climate Action & Development Services

#### **Attachments:**

Attachment A: Site Plan  
Attachment B: Summary of Neighbourhood Notification  
Attachment C: Applicant's Letter of Rationale

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



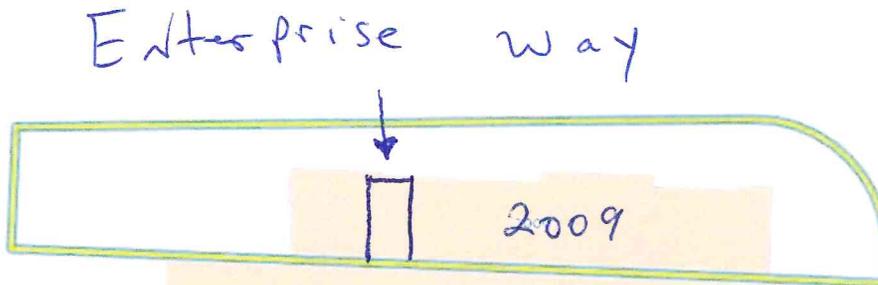
**ATTACHMENT A**

This forms part of application  
# Z24-0052

Planner Initials **KB**



City of Kelowna  
COMMUNITY PLANNING



**Legend**  
Secondary Suites



**Notes**

0 25 50Meters



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

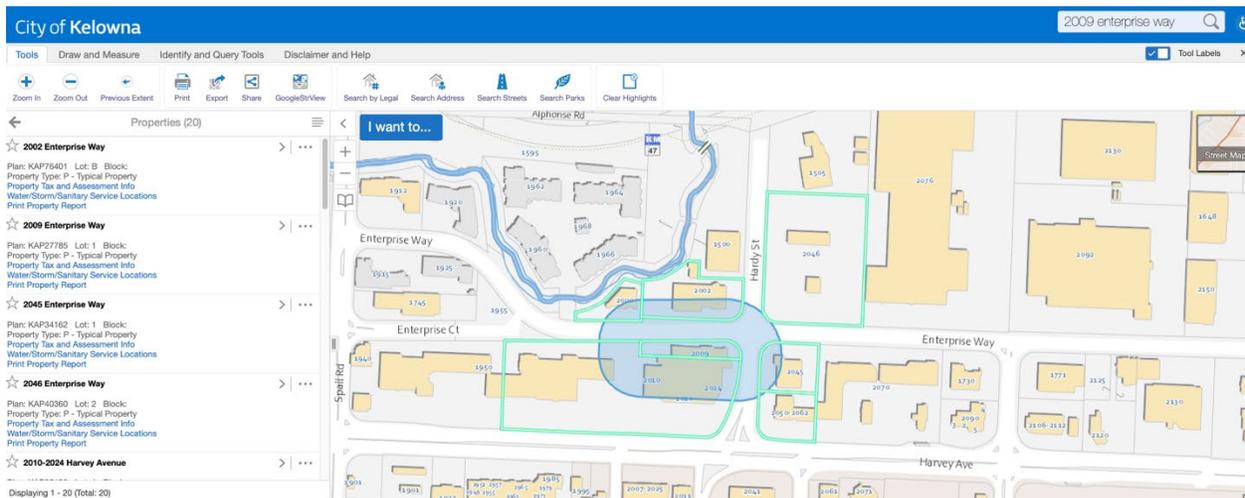
## Summary of Neighbour Notification

### Date of Notification Completion:

- October 24, 2024

### Methods of Notification:

- All notifications were conducted via mail-out. Using the City of Kelowna Interactive Map, we identified 20 addresses within the notification area and mailed notifications to all of them.



### Addresses Notified:

Notifications were mailed to the following addresses:

- 2002 Enterprise Way
- 2009 Enterprise Way
- 2045 Enterprise Way
- 2046 Enterprise Way
- 2000 Enterprise Way
- 101 - 2000 Enterprise Way
- 102 - 2000 Enterprise Way
- 103 - 2000 Enterprise Way
- 204 - 2000 Enterprise Way
- 205 - 2000 Enterprise Way
- 206 - 2000 Enterprise Way
- 207 - 2000 Enterprise Way
- 1 - 2009 Enterprise Way
- 1545 Hardy St
- 2050 Harvey Ave

- 2058 Harvey Ave
- 2060 Harvey Ave
- 2062 Harvey Ave
- 2010-2024 Harvey Ave
- 2050-2062 Harvey Ave

**Information Provided:**

The notification letter included the following details:

1. **Development Location:** 2009 Enterprise Way, Kelowna, BC.
2. **Development Proposal:** Rezoning of the property from CA1 (Core Area Mixed Use) to CA1RCS (Core Area Mixed Use Retail Cannabis Sales) to permit a retail cannabis sales establishment.
3. **Business Information:** Proposed establishment to be operated by FLORA Cannabis, a brand with three existing retail cannabis locations in Kelowna, known for its safe and community-oriented operations.
4. **Property Modifications:** No major changes to the property are proposed other than interior renovations and fascia signage installation.
5. **Contact Information:**
  - **Applicant:** Mathew Dober, Flora (Enterprise) Enterprises Inc.
  - **City of Kelowna Staff Contact:** Kimberly Brunet, Planner Specialist.

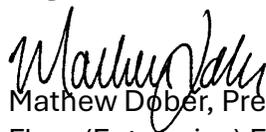
**Feedback Received:**

- No feedback or responses were received from the notified neighbours.

**Project Adjustments:**

- As no feedback was received, no changes have been made to the project based on neighbour notification.

Regards,



Mathew Dober, President  
Flora (Enterprise) Enterprises Inc.



October 1, 2024

City of Kelowna  
Development Services  
1435 Water Street  
Kelowna BC V1Y 1J4

**RE: Letter of Rationale to Rezone Property at 2009 Enterprise Way**

FLORA Cannabis seeks to rezone the property located at 2009 Enterprise Way to permit retail cannabis sales from Unit C, a 55-square-meter, street-facing retail space.

As a Kelowna-based organization with deep roots in the community, FLORA operates six licensed cannabis retail locations throughout British Columbia under the regulations of the British Columbia Liquor and Cannabis Regulation Branch (BCLCRB). Our presence in Kelowna is well established, with three existing stores at 401 Glenmore Rd. (Glenmore), 1100 Lawrence Avenue (Bankhead), and 3140 Lakeshore Rd. (Pandosy).

We are proud to note that all of our Kelowna locations maintain a perfect compliance record with the BCLCRB. FLORA Cannabis is one of the largest distributors of retail cannabis in the province and upholds the highest standards of operation.

Over the past four years, FLORA Cannabis has proven itself as a safe, responsible, and valued contributor to the Kelowna community. We employ approximately 25 young adults locally, fostering personal and professional development through structured sales training, mentorship, and competitive compensation. Our employees are not only team members but also representatives of the community, and we are proud to support their growth.

Our stores are known for their clean, modern design, which enhances the aesthetic appeal of the commercial centers in which we operate. The high-end design of signage, storefronts and interior design creates a welcoming, professional, and safe environment for customers. We strive to provide a fun and engaging experience while upholding strict operational standards and regulatory compliance.

The proposed location on Enterprise Way is ideally suited for retail cannabis sales. The site complies with the specific use provisions in Section 9.9 of the City's Zoning Bylaw 12375. Situated along a commercial corridor, the property offers convenient access, ample customer parking with two dedicated parking lots, and is fully compatible with neighboring businesses.

We believe that the addition of FLORA Cannabis to this location will positively contribute to the commercial vitality of the area while ensuring responsible cannabis sales in accordance with local regulations. We kindly request the City's support in approving this rezoning application.

Thank you for your consideration.

Sincerely, 

Mathew Dober, President, FLORA Cannabis



**CITY OF KELOWNA**

**BYLAW NO. 12738**

**Z24-0052**

**2009 Enterprise Way**

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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 140 ODYD Plan 27785, located on Enterprise Way, Kelowna, BC from the CA1 – Core Area Mixed Use zone to the CA1rcs – Core Area Mixed Use Retail Cannabis Sales zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

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

Approved under the Transportation Act this

---

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

---

City Clerk



City of  
**Kelowna**

# Z24-0052 2009 Enterprise Way

Rezoning Application

# Purpose

- ▶ To rezone the subject property from the CA1 – Core Area Mixed Use zone to the CA1rcs – Core Area Mixed Use Retail Cannabis Sales zone to facilitate a retail cannabis sales establishment.

# Development Process

Oct 8, 2024

Development Application Accepted



Staff Review & Circulation



Oct 30, 2024

Neighbour Notification Received



Jan 13, 2025

Initial Consideration



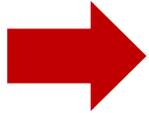
Reading Consideration



Final Reading

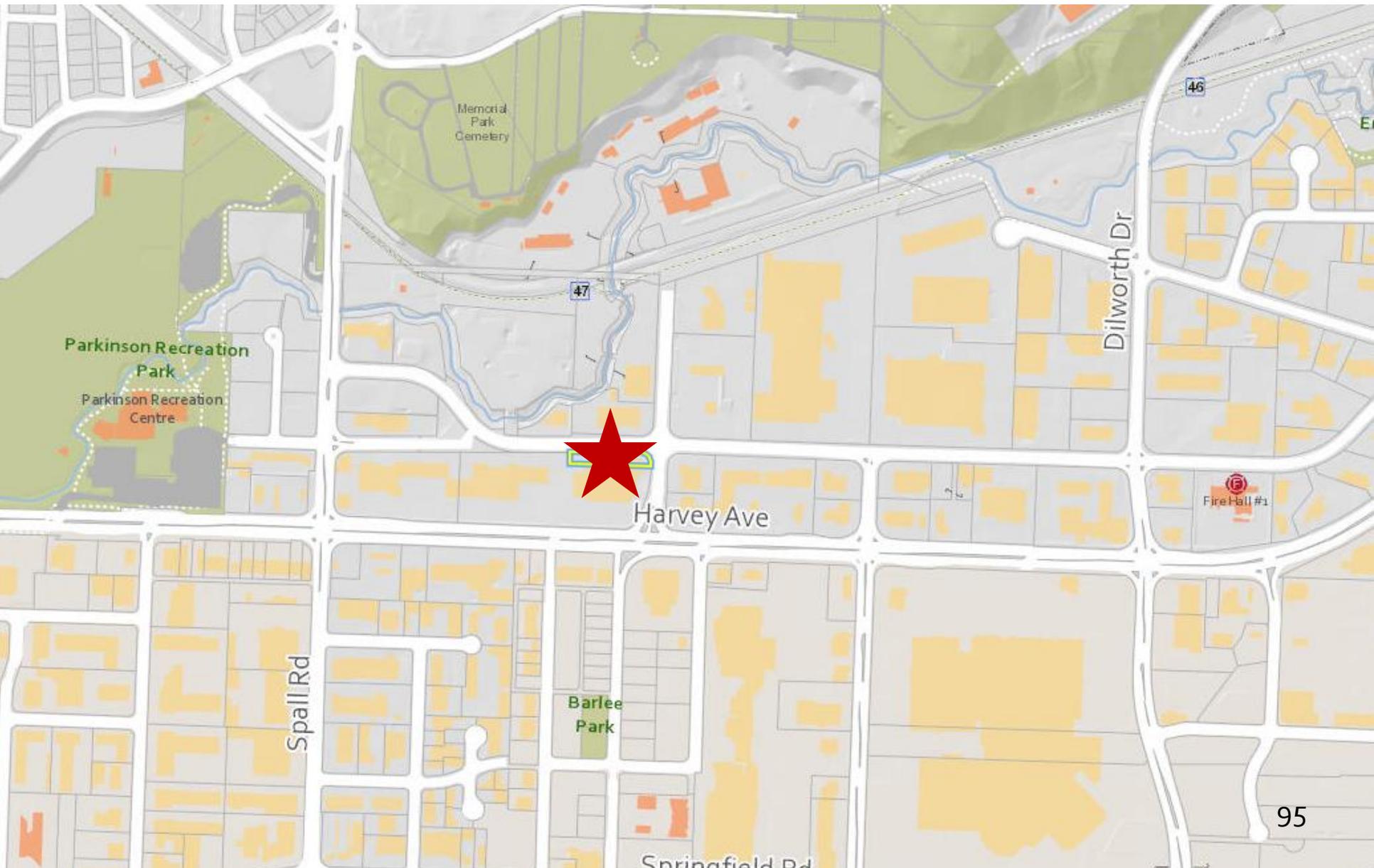


Building Permit

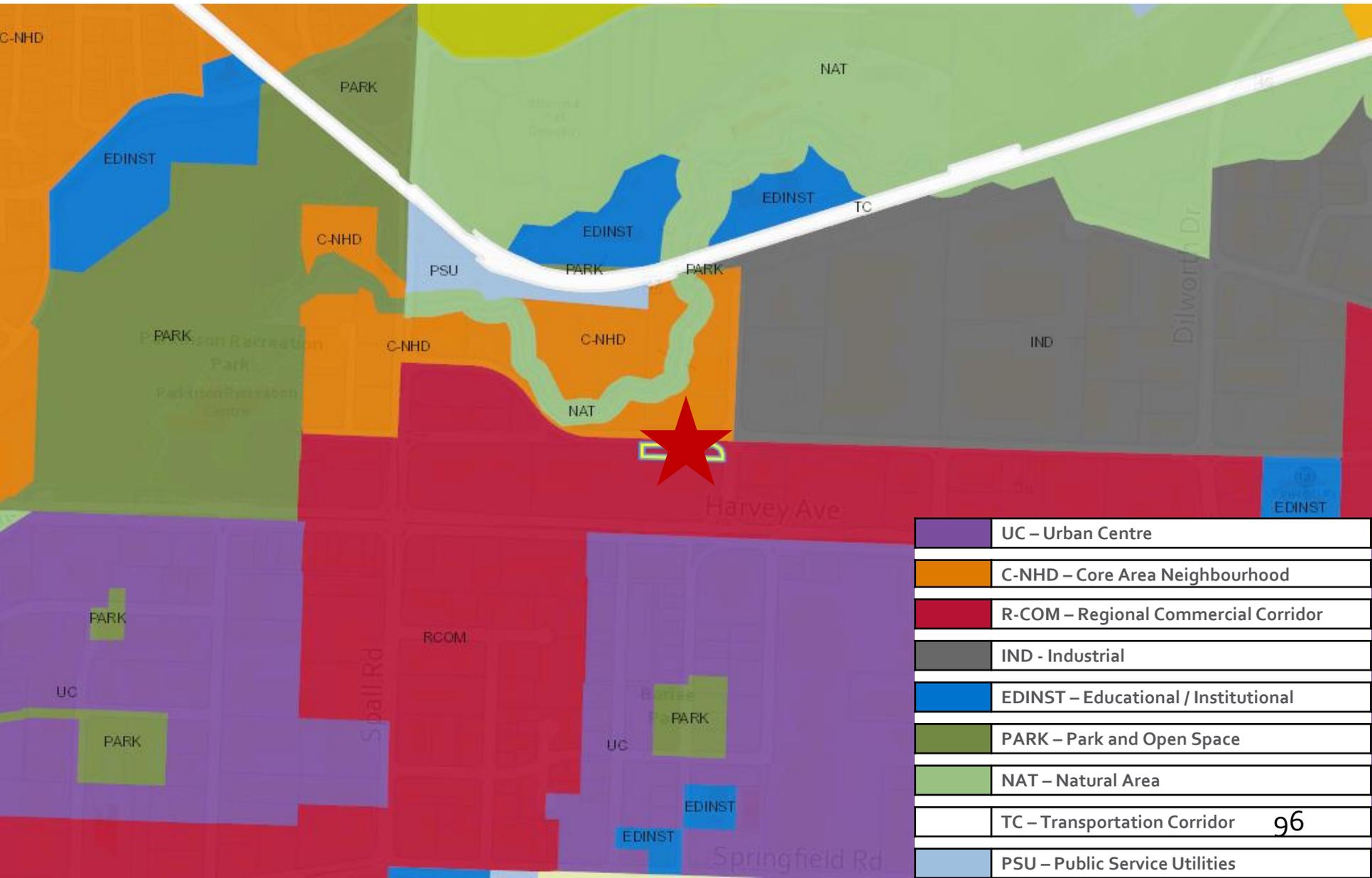


Council  
Approvals

# Context Map

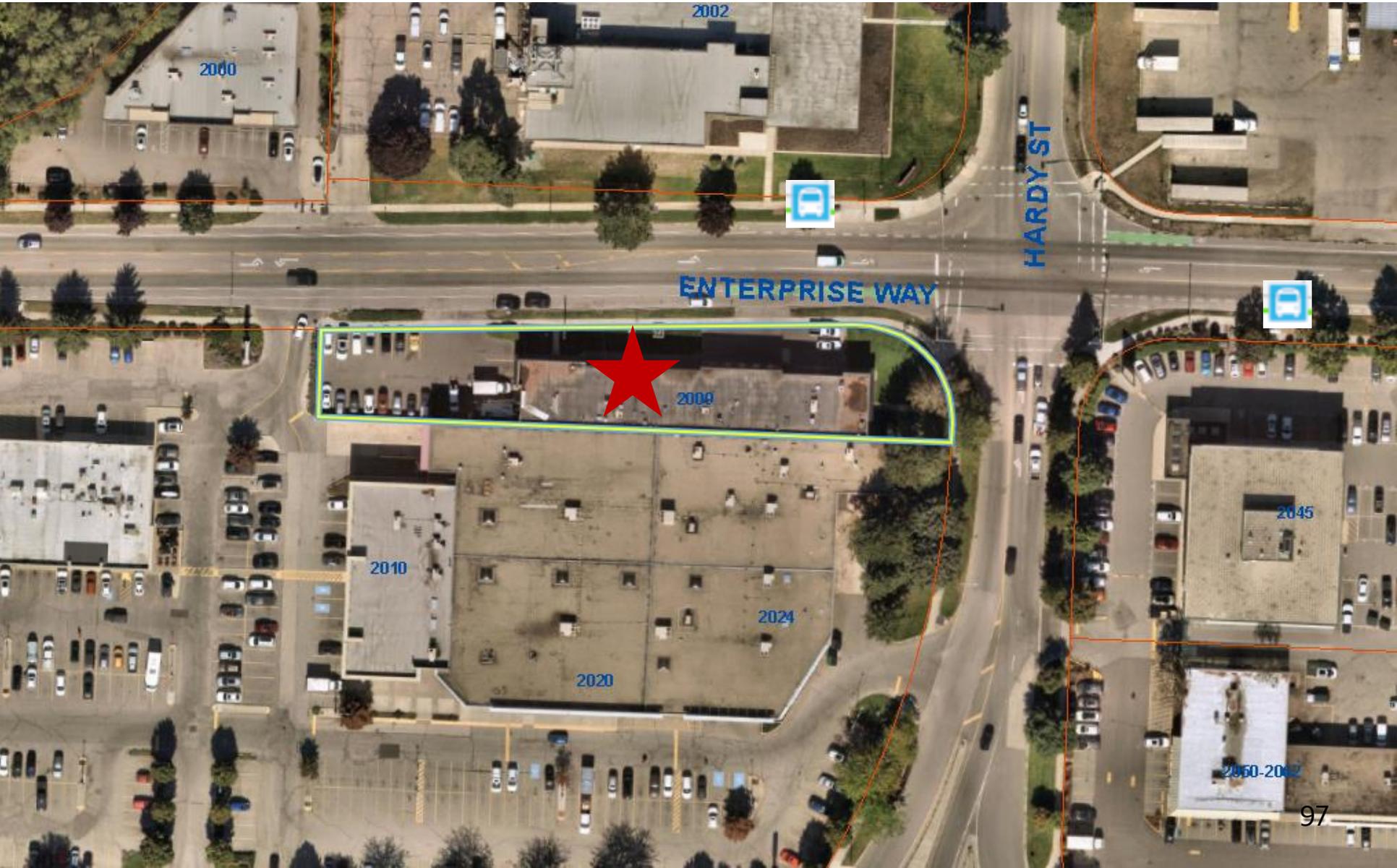


# OCP Future Land Use



	UC – Urban Centre
	C-NHD – Core Area Neighbourhood
	R-COM – Regional Commercial Corridor
	IND - Industrial
	EDINST – Educational / Institutional
	PARK – Park and Open Space
	NAT – Natural Area
	TC – Transportation Corridor
	PSU – Public Service Utilities

# Subject Property Map



# Zoning Bylaw Regulations

- ▶ RETAIL CANNABIS SALES means a development used for the retail sale of cannabis that has been licensed by the Government of British Columbia.
- ▶ Any retail cannabis sales establishment must be set back a minimum distance of 500 m from another retail cannabis sales establishment, measured from closest lot line to closest lot line.
- ▶ Zoned property located within 500 m radius does not currently have a licensed establishment.

# Staff Recommendation

- ▶ Staff recommend **support** for the proposed rezoning as it:
  - ▶ Meets Zoning Bylaw regulations
- ▶ Direct Staff to send a recommendation to the LCRB supporting issuance of a cannabis retail store licence.

# REPORT TO COUNCIL TEXT AMENDMENT



**Date:** January 13, 2025  
**To:** Council  
**From:** City Manager  
**Address:** 920 Rutland Rd N  
**File No.:** TA24-0011

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

## 1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA24-0011 to amend the City of Kelowna Zoning Bylaw No. 12375 as outlined in Schedule “A” attached to the Report from the Development Planning Department dated January 13, 2025 for Lot 7 Section 26 Township 26 ODYD Plan KAP44228 located at 920 Rutland Rd N, Kelowna, BC be considered by Council.

## 2.0 Purpose

To amend the Zoning Bylaw with a Site-Specific Text Amendment to reduce the minimum density for the subject property fronting onto a Transit Supportive Corridor for lots without a lane, from a min. 1,600 m2 lot area required to 770 m2 lot area proposed.

## 3.0 Development Planning

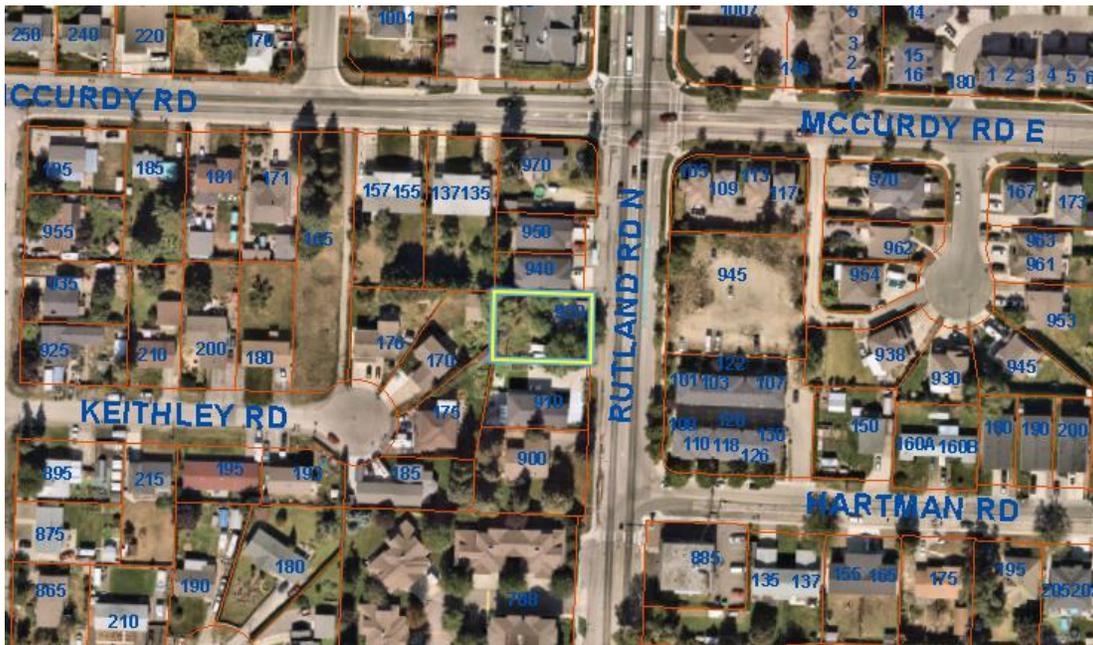
Staff support the proposed Text Amendment to create a site-specific regulation to amend the minimum density for the subject property fronting a Transit Supportive Corridor. The intent for the minimum density regulation is to force lot-consolidations for larger (more dense) developments along Transit Supportive Corridors.

The property to the north was subdivided into two lots in 2013 and a building permit for single-detached housing was obtained in 2016. For the property to the south, a building permit for a single-detached house was obtained in 2013 and the house was subsequently constructed. Due to these newer neighbouring developments, it is unlikely that they will be part of a consolidation to help achieve the minimum lot area required by the current Zoning Bylaw. The proposal for six units is an appropriate infill development permitted on MF1 zoned lots. The Text Amendment is required in this case due to the lot fronting a Transit Supportive Corridor. If supported by Council, a Development Permit for a six-unit townhouse would be considered by staff under the MF1 – Infill Housing regulations. Currently all development regulations have been met and there are no variances proposed.

4.0 Site Context & Background

Orientation	Zoning	Land Use
North	MF1 – Infill Housing	C-NHD - Core Area Neighbourhood
East	MF1 – Infill Housing	C-NHD - Core Area Neighbourhood
South	MF1 – Infill Housing	C-NHD - Core Area Neighbourhood
West	MF2 – Townhouse Housing	C-NHD - Core Area Neighbourhood

Subject Property Map: 920 Rutland Rd N



The subject property is located on the west side of Rutland Rd N, near the intersection of McCurdy Rd. The Transit Supportive Corridor along Rutland Rd N ends at this intersection. It is in close proximity to both Rutland Middle School and Senior School. There is a transit stop in front of the adjacent property to the north.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 5.3 Design residential infill to be sensitive to neighbourhood context.	
Policy 5.3.1. Core Area Neighbourhood Infill	Encourage ground-oriented residential uses such as house-plexes, townhouses and narrow lot housing up to approximately 3 storeys to fit within the existing development patter. Consider larger infill projects, including those where lot consolidation is required, where they are in a Transit Supportive Corridor transition area, on a block end or near community amenities including, but not limited to, parks and schools, as outlined in Figure 5.3

	<i>The new dwellings to the north and the south of the subject property are two storeys in height and were built in the last decade, making it unlikely that the properties redevelop in the near future. The MF<sub>1</sub> zone allowing up to three storeys will fit in with the existing development pattern.</i>
--	---

**6.o Application Chronology**

Application Accepted: June 14, 2024  
Neighbourhood Notification Summary Received: October 9, 2024

**Report prepared by:** Breanna Sartori, Planner I  
**Reviewed by:** Dean Strachan, Development Planning Manager - South  
**Reviewed by:** Nola Kilmartin, Development Planning Department Manager  
**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

**Attachments:**  
Schedule A: Proposed Text Amendments  
Attachment A: Summary of Neighbourhood Notification  
Attachment B: Letter of Rationale

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

No.	Section	Current Wording	Proposed Wording	Reason for change						
1.	Section 13 – Multi-Dwelling Zones, 13.7 – Site Specific Regulations	N/A	<p><b>Section 13.7 – Site Specific Regulations</b> Use and regulations apply on a site-specific basis as follows:</p> <table border="1" data-bbox="688 337 1453 659"> <thead> <tr> <th data-bbox="688 337 919 407">Legal Description</th> <th data-bbox="919 337 1087 407">Civic Address</th> <th data-bbox="1087 337 1453 407">Regulation</th> </tr> </thead> <tbody> <tr> <td data-bbox="688 407 919 659">LOT 7 SECTION 26 TOWNSHIP 26 ODYD PLAN KAP4428</td> <td data-bbox="919 407 1087 659">920 Rutland Rd N</td> <td data-bbox="1087 407 1453 659">Notwithstanding Section 13.6 – Density and Height Development Regulations this property is permitted to have a 770 m<sup>2</sup> lot area.</td> </tr> </tbody> </table>	Legal Description	Civic Address	Regulation	LOT 7 SECTION 26 TOWNSHIP 26 ODYD PLAN KAP4428	920 Rutland Rd N	Notwithstanding Section 13.6 – Density and Height Development Regulations this property is permitted to have a 770 m <sup>2</sup> lot area.	To allow an infill development on the subject property.
Legal Description	Civic Address	Regulation								
LOT 7 SECTION 26 TOWNSHIP 26 ODYD PLAN KAP4428	920 Rutland Rd N	Notwithstanding Section 13.6 – Density and Height Development Regulations this property is permitted to have a 770 m <sup>2</sup> lot area.								

**SCHEDULE**            **A**

This forms part of application  
# TA24-0011

Planner Initials BS



City of  
**Kelowna**  
DEVELOPMENT PLANNING



**ATTACHMENT** A

This forms part of application  
# TA24-0011

Planner Initials BS

City of **Kelowna**  
DEVELOPMENT PLANNING

## Summary of Neighbor Notification

**Date:** Oct 23, 2024

**To:** Kelowna City Council & Staff  
**From:** New Town Architecture & Engineering

**Subject:** Summary of Neighbor Notification for DP23-0150/TA24-0011  
920 Rutland Road

Dear Council/Staff members,

As per Council Policy No. 367, please find below the summary of our neighbor notification efforts, feedback received, and any resulting changes to the project. This summary is provided to ensure transparency and compliance before the application is scheduled for Council consideration.

**1. Date of Notification:**  
Oct 9, 2024.

**2. Methods of Notification:**  
Mailed out a consultation letter.

**3. List of Addresses Notified:**  
Please refer to the attached file for the full address list.

**4. Details of Information Provided:**  
A rationale was sent to the neighbors that included items a) - g) under section 4 of Council Policy 367. Please find the consultation rationale attached.

**5. Feedback Received:**  
No feedback has been received by our office.

**6. Project Changes Resulting from Neighbor Notification:**  
No changes were made based on the lack of feedback received.  
Please feel free to contact us if you require any further information or clarification.

Sincerely,

Jesse Alexander  
Planning Manager  
New Town Architecture & Engineering

### Attachments:

1. Address list
2. Consultation rationale

Name	Unit	Street Number	Street	City	Postal Code
Owner/Occupant	1 -	940	Rutland Road	Kelowna, BC	V1X 3B7
Owner/Occupant	2 -	940	Rutland Road	Kelowna, BC	V1X 3B7
Owner/Occupant	1 -	950	Rutland Road	Kelowna, BC	V1X 3B7
Owner/Occupant	2 -	950	Rutland Road	Kelowna, BC	V1X 3B7
Owner/Occupant		970	Rutland Road	Kelowna, BC	V1X 3B7
Owner/Occupant	1 -	910	Rutland Road	Kelowna, BC	V1X 3B7
Owner/Occupant	2 -	910	Rutland Road	Kelowna, BC	V1X 3B7
Owner/Occupant		900	Rutland Road	Kelowna, BC	V1X 3B7
Owner/Occupant		945	Rutland Road	Kelowna, BC	V1X 3B7
Owner/Occupant		155	McCurdy Road	Kelowna, BC	V1X 2P1
Owner/Occupant		157	McCurdy Road	Kelowna, BC	V1X 2P1
Owner/Occupant		135	McCurdy Road	Kelowna, BC	V1X 2P1
Owner/Occupant		137	McCurdy Road	Kelowna, BC	V1X 2P1
Owner/Occupant		105	McCurdy Road E	Kelowna, BC	V1X 7C8
Owner/Occupant		109	McCurdy Road E	Kelowna, BC	V1X 7C8
Owner/Occupant		113	McCurdy Road E	Kelowna, BC	V1X 7C8
Owner/Occupant		117	McCurdy Road E	Kelowna, BC	V1X 7C8
Owner/Occupant		176	Keithley Road	Kelowna, BC	V1X 2N3
Owner/Occupant		170	Keithley Road	Kelowna, BC	V1X 2N3
Owner/Occupant		175	Keithley Road	Kelowna, BC	V1X 2N3
Owner/Occupant		185	Keithley Road	Kelowna, BC	V1X 2N3
Owner/Occupant	108 -	120	Hartman Road	Kelowna, BC	V1X 8E6
Owner/Occupant	110 -	120	Hartman Road	Kelowna, BC	V1X 8E6
Owner/Occupant	114 -	120	Hartman Road	Kelowna, BC	V1X 8E6
Owner/Occupant	118 -	120	Hartman Road	Kelowna, BC	V1X 8E6
Owner/Occupant	122 -	120	Hartman Road	Kelowna, BC	V1X 8E6
Owner/Occupant	126 -	120	Hartman Road	Kelowna, BC	V1X 8E6
Owner/Occupant	130 -	120	Hartman Road	Kelowna, BC	V1X 8E6
Owner/Occupant	101 -	122	Hartman Road	Kelowna, BC	V1X 8E6
Owner/Occupant	102 -	122	Hartman Road	Kelowna, BC	V1X 8E6
Owner/Occupant	103 -	122	Hartman Road	Kelowna, BC	V1X 8E6
Owner/Occupant	104 -	122	Hartman Road	Kelowna, BC	V1X 8E6
Owner/Occupant	105 -	122	Hartman Road	Kelowna, BC	V1X 8E6
Owner/Occupant	106 -	122	Hartman Road	Kelowna, BC	V1X 8E6
Owner/Occupant	107 -	122	Hartman Road	Kelowna, BC	V1X 8E6



## NEW TOWN

Dear Neighbour:

**RE: Application for Development Permit, DVP & Text Amendment**

**920 Rutland Road**

This letter is to advise that an application has been made to the City of Kelowna for the development of the property shown on the map below.



The City of Kelowna OCP designates this location as Core Area Neighbourhood with a MF1 - Infill Housing zoning, which forecasts ground oriented multifamily development. In keeping with this vision, a development permit application has been made to develop the property into a six-unit townhome enclave.

Despite the existing MF1 zoning, this application requires a text amendment due to its proximity to the Transit Supportive Corridor on Rutland Rd. Transit Supportive Corridors typically allow for up to 6 storey apartments and therefore have a larger minimum lot size of 1600m<sup>2</sup>. Given the smaller scale of the development and 770m<sup>2</sup> lot size, a text amendment is required to allow these townhomes.

A variance is also required to allow for a 3<sup>rd</sup> storey floor area that matches the 2<sup>nd</sup> storey of the building. The 3<sup>rd</sup> storey footprint is typically limited to 70% of the area of the 2<sup>nd</sup> storey in the MF1 zone. That said, this variance still offers far less impact to the surrounding neighbourhood than the aforementioned 6 storey apartment.

A site plan and details of the application are provided on the reverse of this page. If you have any comments or questions please feel free to contact us in writing.

### **Applicant Contact:**

Jesse Alexander, Planning Manager  
New Town Architecture & Engineering Inc  
Email: [jesse@newtownservices.net](mailto:jesse@newtownservices.net)

### **City of Kelowna Contact**

Alissa Cook, Planner I  
City of Kelowna  
Phone: 778-738-3418  
Email: [acook@kelowna.ca](mailto:acook@kelowna.ca)

## RE: Application for Development Permit

### 920 Rutland Road

An application has been made to the City of Kelowna as follows:

- ✓ Form & character development permit to facilitate a 3-storey townhome building.
- ✓ Text Amendment to allow for a smaller lot size to facilitate townhomes rather than apartment housing.
- ✓ Variance to allow for a larger 3<sup>rd</sup> storey floor area relative to the 2<sup>nd</sup> storey.



Figure 1: View from Rutland Rd.



Figure 2: Site Plan.



NEW TOWN

# DESIGN RATIONALE

## FAMILY TOWNHOME HOUSING

920 Rutland Road

ATTACHMENT B

This forms part of application

# TA24-0011

Planner Initials BS



City of Kelowna  
DEVELOPMENT PLANNING



## PROPOSAL

This application is to construct a 6-unit enclave of townhomes a few blocks West of the Rutland Recreation Park, and about 200m North of Rutland Middle School. This mid-block site is zoned MF1 and currently hosts a single-family home built in 1944. The site is proposed to remain MF1, consistent with the Core Area Neighborhood Land use designation.



Figure 1: Site location.



NEW TOWN

# ARCHITECTURE FORM & CHARACTER



These 3-storey buildings have a distinctly modern residential personality. The massing is articulated with simple and effective uses of varied cladding materials with a particular design focus on street facing elevations. A street-facing entry from Rutland Road animates the pedestrian realm, while robust landscaping consisting of trees/shrubs delineates the boundary between public and private space.

The onsite amenity space aligns along a backyard walkway. This at-grade amenity space is augmented by patio spaces on both the 2<sup>nd</sup> and 3<sup>rd</sup> floors of each home for residents to enjoy.





Figure 2: Landscape Plan

## TEXT AMENDMENT

A minor text amendment application is required, as the lot area of the site (770sqm) does not comply with the bylaw requirement of 1600sqm for developments located on a Transit Supportive Corridor. Note that a lot assembly to increase the property size is not viable, as newer developments have been constructed on both the property to the North (2016) and the property to the South (2013).



Figure 3: 940 Rutland Rd.



Figure 4: 910 Rutland Rd.

## VARIANCE

A variance is also required to allow for a 3rd storey floor area that matches the 2nd storey of the building. The 3rd storey footprint is limited by the zoning bylaw to 70% of the area of the 2nd storey for buildings within the MF1 zone. That said, this variance scenario offers far less impact to the surrounding neighborhood than the 4-6 storey apartment buildings that are encouraged to be built along transit supportive corridors such as Rutland Rd. The 70% stipulation is appropriate and understandable for midblock townhomes in the Core Neighborhood away from major corridors, but it is far less relevant or needed in areas already forecast for greater density/building scale.

## SUMMARY

This development is a key housing component to be added within the context of North Rutland. It complies with the zoning bylaw in all aspects, follows the OCP guidelines for appropriate development and delivers 6 much needed ground-oriented homes on an infill lot. We kindly seek support from staff and Council in this endeavor.



**CITY OF KELOWNA**

**BYLAW NO. 12739**

**TA24-0011**

**920 Rutland Road N**

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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, **Section 13 – Multi-Dwelling Zones, 13.7 – Site Specific Regulations** be amended by adding the following in its appropriate location:

LOT 7 SECTION 26 TOWNSHIP 26 ODYD PLAN KAP44228	920 Rutland Rd N	Notwithstanding Section 13.6 – Density and Height Development Regulations this property is permitted to have a 770 m <sup>2</sup> lot area.
--	---------------------	---

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**

# TA24-0011 920 Rutland Rd N

Text Amendment Application

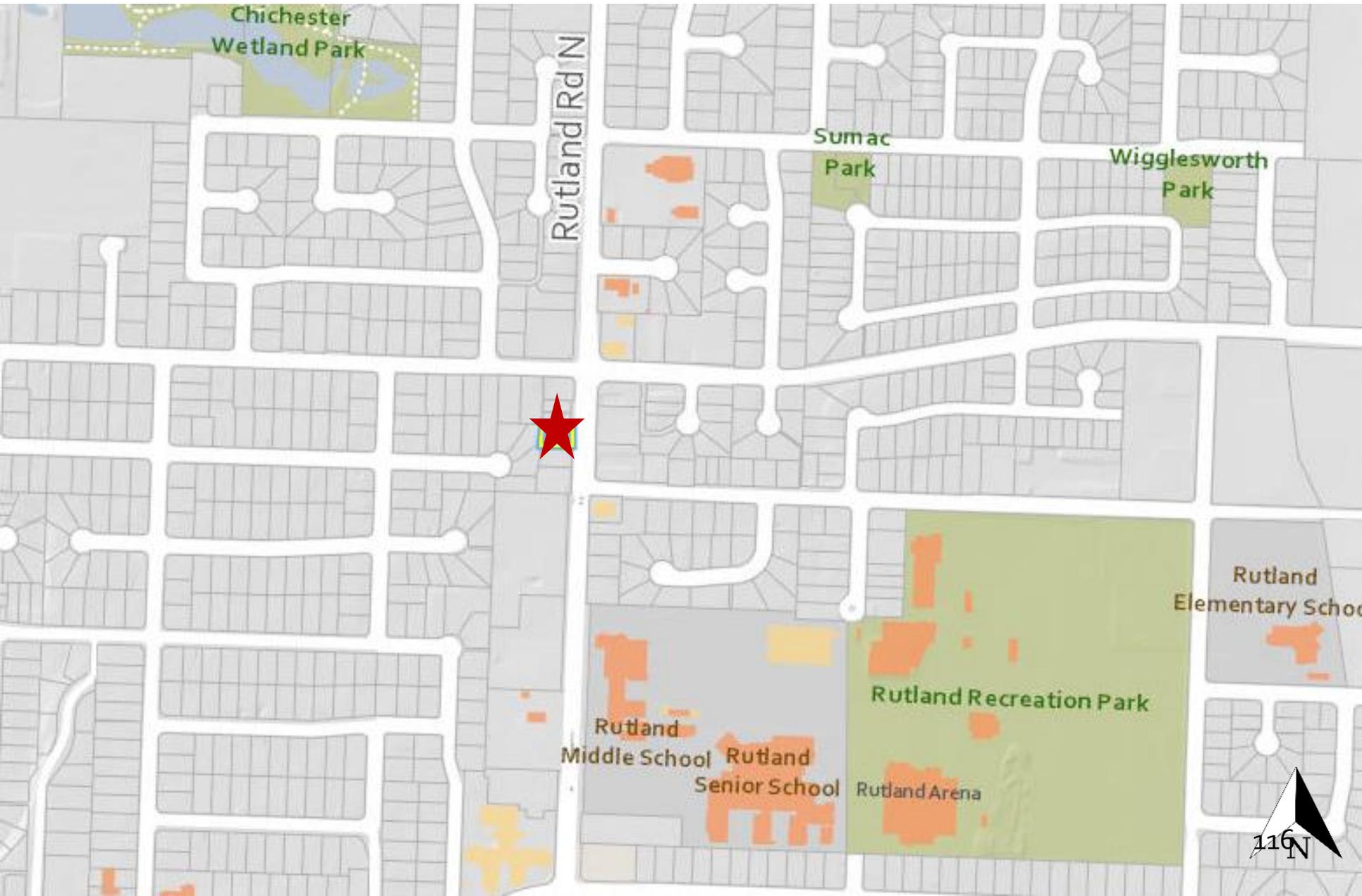
# Purpose

- ▶ To amend the Zoning Bylaw with a Site-Specific Text Amendment to reduce the minimum density for the subject property fronting onto a Transit Supportive Corridor for lots without a lane, from a min. 1,600 m<sup>2</sup> lot area required to 770 m<sup>2</sup> lot area proposed.

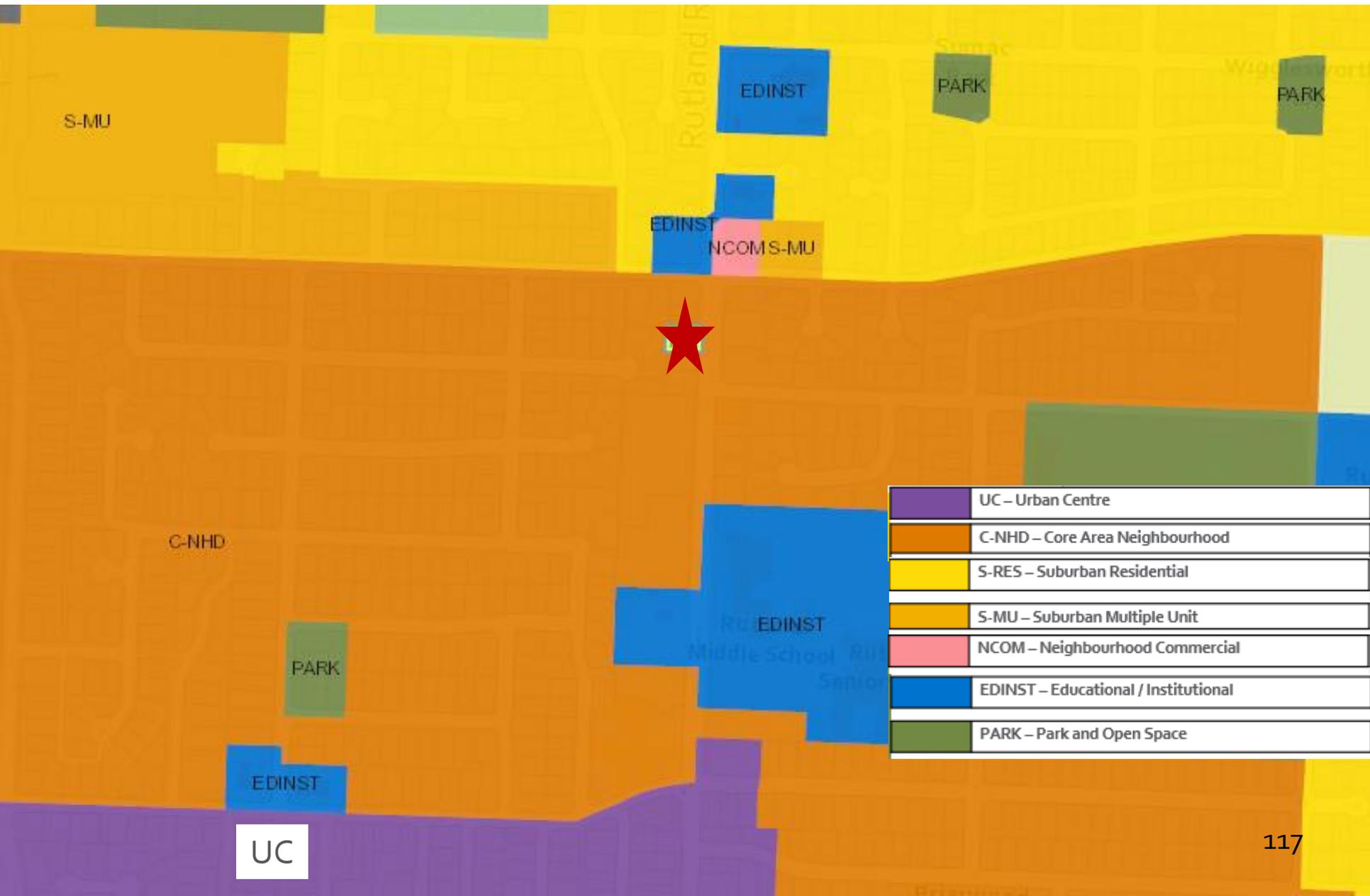
# Development Process

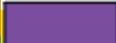


# Context Map



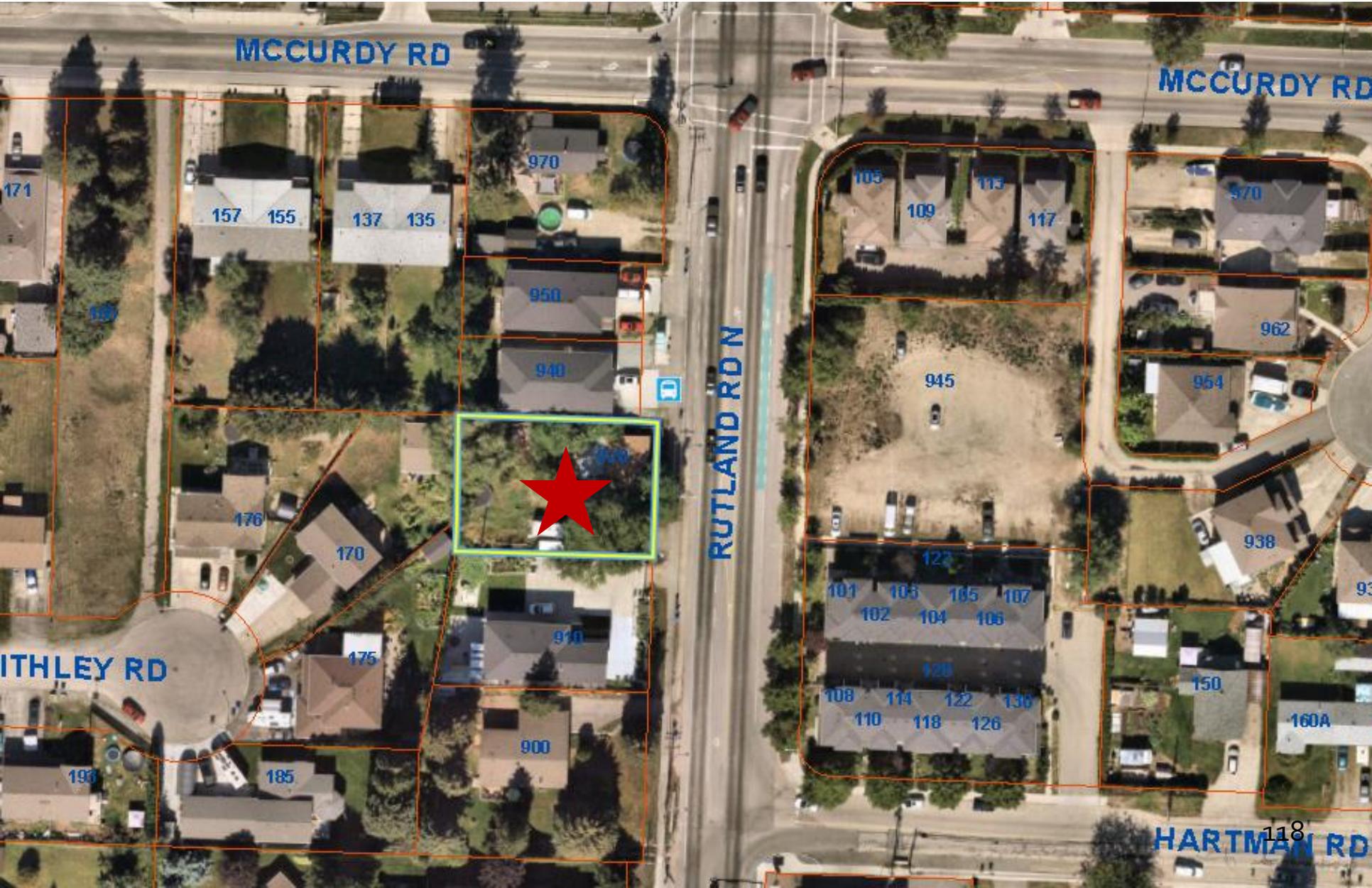
# OCP Future Land Use



	UC – Urban Centre
	C-NHD – Core Area Neighbourhood
	S-RES – Suburban Residential
	S-MU – Suburban Multiple Unit
	NCOM – Neighbourhood Commercial
	EDINST – Educational / Institutional
	PARK – Park and Open Space

UC

# Subject Property Map



# OCP Objectives & Policies

- ▶ C-NHD: Core Area Neighbourhood
- ▶ Policy 5.3.1 Core Area Neighbourhood Infill
  - ▶ Ground-oriented residential infill

# Site Specific Text Amendment

- ▶ Consolidation to achieve minimum lot areas unlikely
  - ▶ Dwellings to the north and south were built recently
- ▶ Proposed development will fit with the existing neighbourhood

# Staff Recommendation

- ▶ Staff recommend **support** for the proposed Text Amendment as it is consistent with:
  - ▶ OCP Future Land Use C-NHD
  - ▶ OCP Objectives in Chapter 5 Core Area
    - ▶ Fits existing development pattern
  - ▶ Staff delegated Development Permit would follow

# Report to Council



**Date:** January 13, 2025  
**To:** Council  
**From:** City Manager  
**Department:** Office of the City Clerk  
**Subject:** Rezoning Bylaws Supplemental Report to Council

---

**Recommendation:**

THAT Council receives, for information, the report from the Office of the City Clerk dated January 13, 2025, with respect to two rezoning applications;

AND THAT Rezoning Bylaws No. 12732 and 12735 be forwarded for further reading consideration.

**Purpose:**

To receive a summary of notice of first reading for Rezoning Bylaws No. 12732 and 12735 and to give the bylaws further reading consideration.

**Background:**

A public hearing cannot be held for zoning bylaws for residential development that are consistent with the OCP. A public hearing is not required for all other zoning bylaws that are consistent with the OCP. Public notice is given before first reading with signage on the subject property, newspaper advertisements, and mailouts in accordance with the Local Government Act and Development Application & Heritage Procedures Bylaw No. 12310.

**Discussion:**

The two rezoning applications were brought forward to Council for initial consideration on December 9, 2024. Notice of first reading was completed as outlined above.

Correspondence was received as per the following table:

Address	Application	Bylaw	Public Hearing Option	Recommended Readings	Correspondence Received
<a href="#">2160 Wilkinson St</a>	Z24-0042	12732	No	1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup>	0
<a href="#">789, 809 Cadder Ave</a>	Z24-0045	12735	No	1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup>	0

These applications were brought forward with a recommendation of support from the Development Planning Department. Staff are recommending Council proceed with further readings of the Bylaws.

**Conclusion:**

Following notice of first reading, staff are recommending that Council give Rezoning Bylaws No. 12732 and 12735 further reading consideration.

**Considerations applicable to this report:**

**Legal/Statutory Authority:**

*Local Government Act s. 464(2)*

**Legal/Statutory Procedural Requirements:**

Following the notification period under s. 467 of the Local Government Act, Council may choose to:

- give a bylaw reading consideration,
- defeat the bylaw, or
- for non-residential bylaws, give a bylaw first reading and advance the bylaw to a Public Hearing.

**Considerations not applicable to this report:**

**Existing Policy:**

**Financial/Budgetary Considerations:**

**External Agency/Public Comments:**

**Communications Comments:**

Submitted by: N Beauchamp, Legislative Technician

Approved for inclusion: L Bentley, City Clerk

cc: Development Planning

**CITY OF KELOWNA**  
**BYLAW NO. 12732**  
**Z24-0042**  
**2160 Wilkinson Street**

---

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 8 Section 19 Township 26 ODYD Plan 10906, located on Wilkinson Street, Kelowna, BC from the MF1 – Infill Housing zone to the MF3r – Apartment Housing Rental Only 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

---

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

---

Mayor

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City Clerk

**CITY OF KELOWNA**  
**BYLAW NO. 12735**  
**Z24-0045**  
**789, 809 Cadder 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:
  - a) Lot 38 Section 19 Township 26 ODYD Plan 700, located on Cadder Avenue, Kelowna, BC;  
and
  - b) Lot 39 Section 19 Township 26 ODYD Plan 700, located on Cadder Avenue, Kelowna, BCfrom the MF1 – Infill Housing zone to the MF3 – Apartment 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

# REPORT TO COUNCIL EXTENSION



**Date:** January 13, 2025  
**To:** Council  
**From:** City Manager  
**Address:** 1702 Lynrick Rd  
**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 in accordance with Development Application and Heritage Procedures Bylaw No. 12310, the deadline for the adoption of the Official Community Plan Amending Bylaw No. 12603 and Rezoning Bylaw No. 12604, be extended from January 16, 2025, to January 16, 2026;

AND THAT Council direct Staff to not accept any further extension requests.

### 2.0 Purpose

To extend the deadline for adoption of Official Community Plan Amending Bylaw No. 12603 and Rezoning Bylaw No. 12604 to January 16, 2026.

### 3.0 Discussion

Final adoption of the Official Community Plan Amending Bylaw and Rezoning Bylaw are subject to the applicant meeting the requirements of the Attachment "A": Development Engineering Memorandum and the issuance of a Natural Environment Development Permit. The applicant has been working with Staff and has requested additional time to complete the outstanding requirements. Staff are recommending that Council supports extending the deadline for the adoption of Official Community Plan Amending Bylaw No. 12603 and Rezoning Bylaw No. 12604 by one year to January 16, 2026, with no further extension requests to be granted.

#### 3.1 Background

Resolution	Date
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	January 16, 2024

<p>the Development Planning Department dated November 27<sup>th</sup>, 2023, be considered by Council;</p> <p>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;</p> <p>AND THAT the Official Community Plan Map Amending Bylaw and Rezoning Bylaw be forwarded to a Public Hearing for further consideration;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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.</p>	
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**4.0 Application Chronology**

Application Accepted: April 26, 2022  
 Reading Consideration: January 16, 2024  
 Extension Application Received: December 20, 2024

**Report prepared by:** Tyler Caswell, Planner Specialist  
**Reviewed by:** Dean Strachan, Development Planning Manager  
**Reviewed by:** Nola Kilmartin, Development Planning Department Manager  
**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning, Climate Action & 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. 12691

Z24-0025

1428 St. Paul Street

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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:
  - a. Lot 18 District Lot 139 ODYD Plan 800 located on St. Paul Street, Kelowna, BC, and
  - b. Lot 19 District Lot 139 ODYD Plan 800 located on St. Paul Street, Kelowna, BC

from the UC1 – Downtown Urban Centre zone to the UC1r – Downtown Urban Centre Rental Only 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 26<sup>th</sup> day of August, 2024.

Approved under the Transportation Act this 27<sup>th</sup> day of August, 2024.

Audrie Henry

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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

**CITY OF KELOWNA**

**BYLAW NO. 12717**

**Z24-0034**

**459 Osprey Avenue**

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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 A District Lot 14 ODYD Plan EPP120981 located on Osprey Avenue, Kelowna, BC from the UC5 – Pandosy Urban Centre zone to the UC5r – Pandosy Urban Centre Rental Only 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 18<sup>th</sup> day of November, 2024.

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**  
**BYLAW NO. 12729**  
**Z23-0008**  
**1028-1030 Houghton 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 1 Section 27 Township 26 ODYD Plan 17089 located on Houghton Road, Kelowna, BC from the MF1 - Infill 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 9<sup>th</sup> day of December, 2024.

Approved under the Transportation Act this 9<sup>th</sup> day of December, 2024.

Audrie Henry  

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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



**Date:** January 13, 2025  
**To:** Council  
**From:** City Manager  
**Subject:** Draft Heritage Conservation Area Guidelines  
**Department:** Long Range Planning

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**Recommendation:**

THAT Council receives, for information, the report from the Long Range Planning Department, dated January 13, 2025, outlining the draft Heritage Conservation Area Guidelines;

AND THAT Council direct Staff to proceed with refinements to the draft Heritage Conservation Area Guidelines.

**Purpose:**

To review the draft Heritage Conservation Area Guidelines and next steps in the process.

**Council Priority Alignment:**

Affordable Housing

**Background:**

As part of implementation of the 2040 OCP, the Heritage Conservation Area (HCA) Development Guidelines are being updated. These updates were originally envisioned to better align the Guidelines with best practices in heritage management but have since evolved following new provincial housing legislation introduced in 2023 and implemented in 2024. The updated Guidelines are now also needed to provide guidance for small scale multi-unit housing and low rise apartment buildings that are permitted in some or all areas of the neighbourhood as a result of the legislation. A draft set of Development Guidelines has been developed to respond to this changing context and is included with this report.

*Previous Council Resolution*

Resolution	Date
That Council directs staff to bring forward a report and additional workshop to advance the actions identified in option two, as described in the report from the Policy and Planning Department dated February 8, 2021.	February 8, 2021

That Council receives, for information, the report from the Policy and Planning Department, dated May 6, 2024, outlining findings from a review of Kelowna's heritage Conservation Areas;	May 6, 2024
AND THAT Council direct Staff to proceed with Phase 3 of the Kelowna Heritage Conservation Area Review.	

**Discussion:**

The update for the HCA Development Guidelines has been managed as a three phase process. Phase 1 involved a quantitative analysis to assess how well the existing Guidelines aligned with their defined objectives and intended outcomes. Among the findings of this phase was that the existing Guidelines lack alignment with the Standards and Guidelines for the Conservation of Historic Places in Canada. Phase 2 focused on targeted engagement activities to gather insights from area residents, heritage preservation organizations, City staff, partners, and professionals with involvement in HCA policies and Development Guidelines. It also included an interactive walking tour of the Abbott Street Heritage Conservation Area. Phase 2 was completed in the fall of 2023.

The update process is now in Phase 3, in which a new set of Development Guidelines for the Heritage Conservation Areas are being crafted. These Development Guidelines aim to strike a balance between accommodating provincial housing legislation, integrating community feedback and modernizing the City's approach to heritage conservation based on current best practices.

*New and Refreshed Components*

The draft HCA Development Guidelines (see Attachment A) include the following features:

- Neighbourhood Statement of Significance and Statement of Future Character. These two new components outline the defining unique features of the neighbourhood as well as what the neighbourhood could look like in the future.
- Updated HCA Vision and Objectives. Objectives include:
  - Preservation of historic places
  - Contextual design and scale
  - Compatible adaptation and use
  - Preservation of neighbourhood heritage
  - Environmental sustainability
- Introduction of Contributory Properties. The draft Guidelines categorize properties that contribute to the neighbourhood's heritage value as "contributing" properties alongside targeted guidance for development on those properties.
- Heritage Conservation Area Precincts. The draft Guidelines identify four distinct precincts, each with their own unique characteristics and historical significance. Precinct-specific guidelines are included in the draft.
- Directions for management of the urban tree canopy. The draft Guidelines articulate directions for the neighbourhood's tree canopy, including support for flexibility on some development regulations, tree condition assessments, protection plans for trees to be retained during construction and guidance for replacement when trees must be removed. This direction aligns with OCP policies for tree retention and enhancement as part of development in all neighbourhoods.

- Guidance for new housing types. The draft Guidelines provide directions for accommodating small scale multi-unit housing in the neighbourhood, as well as for apartment housing in the Hospital Transit Oriented Area.
- Refreshed visuals. New visuals provide better guidance and greater clarity for the guidelines.

#### *Next Steps*

Following Council’s receiving of the draft Guidelines, staff would inform residents of the two HCAs of the draft by mail and invite comment. A similar process was undertaken during Phase 2. Staff would also engage with community partners that participated in Phase 2 of the engagement for additional comment.

Once this process is complete, the draft Guidelines would be refined and brought back to Council’s consideration for Bylaw readings. As the HCA Development Guidelines form part of the Official Community Plan, this process would include a Public Hearing.

#### **Conclusion:**

What initially began as a comprehensive review of the heritage conservation area and its supporting *Guidelines* evolved significantly due to the impact of provincial housing legislation changes. While the original intent was to assess development changes, guideline efficacy, and heritage values within the area, the focus shifted towards understanding the implications of increased density and devising strategies to effectively manage conservation amidst evolving urban landscapes. This shift underscores the dynamic nature of heritage preservation efforts and the necessity of adapting strategies to manage growth.

With careful consideration, heritage conservation principles can effectively coexist with increased density and facilitate urban growth. Through the adoption of adaptive reuse, mixed-use developments, and conscientious infill projects, Kelowna’s HCAs can preserve their heritage values while addressing the needs of a growing population. This approach not only upholds the historical significance of the area but also fosters a dynamic, inclusive and equitable urban environment for both current and future residents.

#### **Internal Circulation:**

Development Planning  
Climate Action and Environment  
Community Engagement

#### **Considerations applicable to this report:**

##### ***Legal/Statutory Authority:***

*Local Government Act*, Part 15 – Heritage Conservation

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

*Heritage Procedures Bylaw*

##### ***Existing Policy:***

*Official Community Plan Objective 11.4.* Conserve Kelowna’s historic neighbourhoods.  
*Chapter 23: Abbott Street & Marshall Street Heritage Conservation Area Development Guidelines*

***Financial/Budgetary Considerations:***

The Long Range Planning departmental budget has predominantly financed the activities detailed in this report. However, the adjustments in scope, including those necessitated by changes in provincial legislation requirements, are being partially funded through the Housing Capacity Fund Grant.

Submitted by:

R. Miles, Long Range Planning Department Manager

**Approved for inclusion:** R. Smith, Division Director, Planning, Climate Action and Development Services

**Attachments:**

Attachment A: Draft Heritage Conservation Area Development Guidelines



# HERITAGE CONSERVATION AREA DEVELOPMENT GUIDELINES

DECEMBER 3, 2024 DRAFT



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## Glossary

### Certified Arborist

A person accredited as such by the International Society of Arboriculture.

### Character-defining elements

The materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to the heritage value of an historic place, which must be retained in order to preserve its heritage value.

### Contributory properties

Properties, including contributory buildings, that contribute to the character of the Heritage Conservation Areas due to their historic development era, form and siting and/or have been determined to have heritage value (Map 23.2).

### Heritage Alteration Permit

A permit under section 617 of the Local Government Act.

### Heritage character

The overall effect produced by traits or features which give a property or an area a distinctive heritage quality or appearance, as noted in the Statement of Significance.

### Heritage Conservation Area

An area designated by the City of Kelowna 2040 Official Community Plan (as amended or replaced from time to time) as a Heritage Conservation Area pursuant to the Local Government Act. An HCA is a recognized method to identify, acknowledge, record, and protect local heritage that has a particular value to the community. Individual properties within an HCA may exhibit heritage value, but it is the overall heritage character and value that distinguishes a Heritage Conservation Area.

### Heritage Register

A Heritage Register is an official listing of properties within the community that are identified as having heritage value. Kelowna's Heritage Register was adopted by Council resolution on March 20, 2000, and is amended periodically.

### Heritage Revitalization Agreement

A Heritage Revitalization Agreement, or HRA for short, is a formal, voluntary, written agreement that is negotiated between a property owner and a local government. It outlines the duties and obligations of, and the benefits to both parties of the agreement. The agreement allows local governments to supersede local zoning regulations and to provide non-financial incentives which would make it viable for owners to conserve property of heritage merit.

### Heritage value

The aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations. The heritage value of an historic place is embodied in its character-defining materials, forms, location, spatial configurations, uses and cultural associations or meanings.

### Historic place

A structure, building, group of buildings, district, landscape, archaeological site, or other place in Canada that has been officially recognized for its heritage value by the relevant jurisdiction.

### Maintenance

Routine, cyclical, non-destructive actions necessary to slow the deterioration of an historic place. It entails periodic inspection; routine, cyclical, non-destructive cleaning; minor repair and refinishing operations; replacement of damaged or deteriorated materials that are impractical to save.

### Minimal intervention

The approach that allows functional goals to be met with the least physical intervention.

### Snout house

A house with a protruding garage that takes up most of the street frontage.

### Statement of Desired Future Character

A roadmap for managing change in a way that respects and enhances the unique historical and cultural significance of the heritage area.

### Statement of Significance (SOS)

A statement that identifies the description, heritage value, and character-defining elements of an historic place. A Statement of Significance is required in order for an historic place to be listed on the Canadian Register of Historic Places.

### Sustainability

A group of objectives (economic, social and environmental) that must be coordinated and addressed to ensure the long-term viability of communities and the planet.

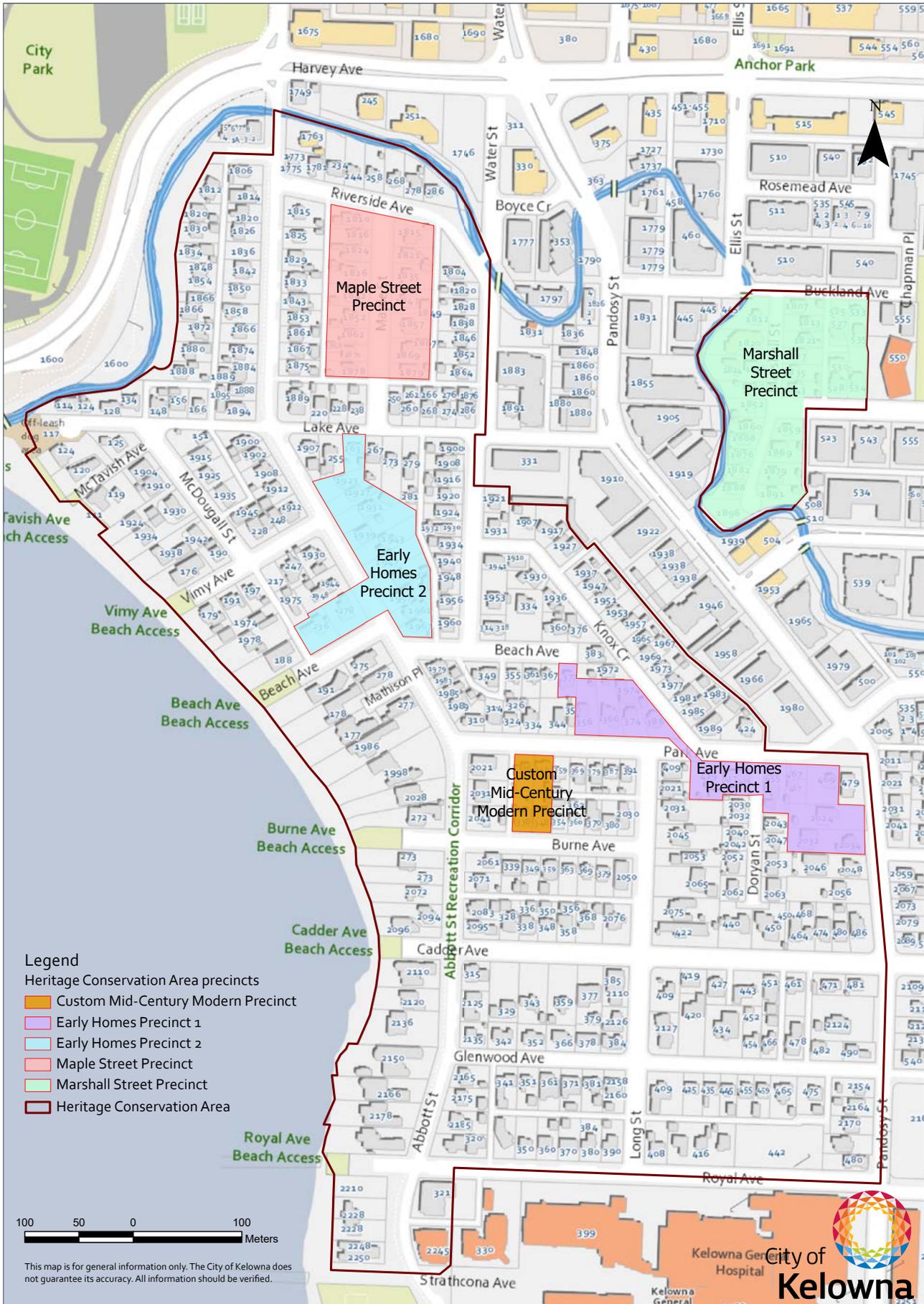


**Vision**

Acknowledging the syilx/Okanagan people, whose rich history and cultural significance are deeply embedded in the lands encompassing the Abbott Street and Marshall Street Heritage Conservation Areas (HCA), is essential. Recognized for their heritage value since 1983 and officially established as Heritage Conservation Areas in 1998, these areas contain evidence of past human activity dating back to times before European settlement.

The vision for these historic areas celebrates the elements valued by the Kelowna community: historic homes, mature landscaping, scenic character, a strong sense of community, and a unique sense of time and place. As neighbourhoods that have continuously evolved and densified since their initial settlement, growth will continue through gentle and thoughtful renovations, house conversions, additions, and new buildings. Retaining the authentic, historic character of these areas, combined with a careful and customized approach to development, ensures that residents and visitors alike will continue to experience a unique and valued sense of place well into the future.





MAP 23.1: ABBOTT STREET AND MARSHALL STREET HERITAGE CONSERVATION AREAS

## Exemptions

A Heritage Alteration Permit will not be required for:

- Interior alterations.
- Exterior maintenance and repairs that do not affect the heritage character of the area or heritage value of the property, including repainting in identical colours or routine upkeep.
- Exterior alterations that are not visible from a fronting street.
- Construction or alteration of decks not visible from a fronting street and not the property's heritage character.
- Regular or emergency City maintenance of municipal infrastructure.
- Construction that does not require a building permit (landscaping, fencing, small sheds, etc.).

## Heritage Alteration Permit Compliance Requirements

Any work for which a Heritage Alteration Permit is required must conform with:

- All applicable bylaws;
- The "[Standards and Guidelines for the Conservation of Historic Places in Canada](#)", published by Parks Canada in 2003 and updated in 2010;
- The Abbott Street and Marshall Street Heritage Conservation Area Development Guidelines; and
- Recommendations from a Heritage Professional Consultant.

In the event of a conflict between the Parks Canada "[Standards and Guidelines for the Conservation of Historic Places in Canada](#)" and the Abbott Street and Marshall Street Heritage Conservation Area Development Guidelines, the Abbott Street and Marshall Street Heritage Conservation Area Development Guidelines will be applied.

## Category

Section 614 of the Local Government Act allows local governments to, for the purposes of heritage conservation, designate Heritage Conservation Areas.

Section 615 of the Local Government Act establishes that if an official community plan designates a Heritage Conservation Area, individuals are prohibited from certain actions unless they possess a Heritage Alteration Permit authorizing the action.



## Properties Affected

Unless exempted (see Exemptions Section on previous page), a Heritage Alteration Permit (HAP) addressing development guidelines (see Development Guidelines section) must be approved prior to undertaking any of the following activities within the Abbott Street and Marshall Street Heritage Conservation Areas, as shown on Map 23.1:

- Construction of, addition to, or external alteration of a building or structure.
- Demolition of a building or structure.

## Justification

The Abbott Street and Marshall Street Heritage Conservation Areas Development Guidelines are essential for guiding development and change while preserving the heritage values of the neighbourhoods depicted on Map 23.1. These guidelines provide a framework for property owners and developers to make informed decisions that maintain the areas' aesthetic and historical continuity. By adhering to these guidelines, new constructions and renovations can integrate with the existing built environment, ensuring that the distinctive qualities of these heritage conservation areas are preserved for future generations.

## Objectives

The following objectives collectively aim to balance development and preservation, ensuring that change and density are managed thoughtfully in the HCAs and are guided by the areas' unique character and historical significance.



### 1. Preservation of Historic Places

Incentivize and prioritize the retention, maintenance and protection of streetscapes, landscapes, properties, buildings and other contributory features, including character and sense-of-place, that are valued in the area, as per the HCAs' Statement of Significance and Statement of Desired Future Character.



### 2. Contextual Design and Scale

New development will consider the immediate historic context and align with the Desired Future Character of the Heritage Conservation Areas. Adhere to the *Standards and Guidelines for the Conservation of Historic Places in Canada* (Standard 11 and Standard 12), ensuring that new constructions are compatible with, distinguishable from, and subordinate to existing historic structures.



### 3. Compatible Adaptation and Use

Incentivize and prioritize the adaptive reuse of Contributory Buildings while conserving their character.



### 4. Preservation of Neighbourhood Heritage

Preserve the historical context, landscape, and streetscape character of the neighbourhood as an historical, scenic, recreational, and cultural resource in Kelowna.



### 5. Environmental Sustainability

Model and promote the conservation of existing buildings, infrastructure and landscapes as a crucial strategy to achieving a sustainable community and combating climate change.

# HOW TO USE THE DEVELOPMENT GUIDELINES

The Development Guidelines are a resource for designers, architects, developers, builders, and property owners planning new buildings, additions and alterations in the Abbott Street and Marshall Street Heritage Conservation Areas (Map 23.1). They also serve as an evaluation tool for City staff and municipal decision-makers reviewing proposals. The guidelines clarify how to meet the broad objectives for the Heritage Conservation Area as described in the OCP. Before starting any design work, individuals involved should refer to the guidelines and consider the following questions:

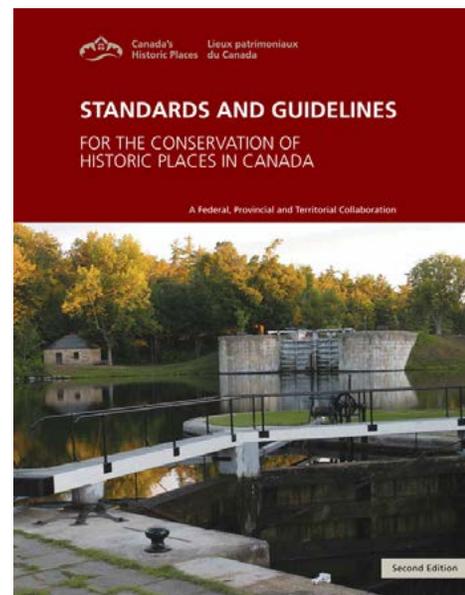
- How closely does the design adhere to the vision and objectives of the guidelines?
- Where does it depart from them and why?
- Is the design informed by an understanding of the heritage value of the property in question?
- Does the design respond to the Statement of Significance and Character Defining Elements for the area?
- Does the design respond to the Statement of Desired Future Character and Defining Elements for the area?
- Does the proposal adhere to the *Standards and Guidelines for the Conservation of Historic Places in Canada* (Standard 11), ensuring that new buildings and additions are compatible with, distinguishable from, and subordinate to existing historic structures.

For proposals that retain the heritage value in existing contributory buildings, variances to development guidelines and development regulations may be considered, see section *Incentives for the Conservation of Contributory Properties and Streetscapes*.

## Development Guidelines Structure

The Development Guidelines provide a comprehensive set of criteria aimed at ensuring that proposed changes in the HCAs meet the Objectives of these Guidelines and adhere to them. These guidelines encompass detailed design intentions, criteria, and rationales to guide, evaluate, and support decision-making regarding the overall form and character of new constructions and additions.

Projects may also be subject to additional guidelines or regulations based on zoning, proposed uses, location, building type, project scale and off-site requirements. Applicants must clearly demonstrate compliance with all relevant guidelines and bylaws. However, it is recognized that the ability to fully meet each guideline may be influenced by factors such as land use, lot size, topography, existing mature vegetation, and the complexity of the project. City staff have the ability to use discretion when evaluating proposals to ensure a balanced approach that meets both the guidelines and the unique circumstances of each project.



## Assignment of Contributory Statures to Properties

Heritage Conservation Areas are collections of heritage resources that together form a greater whole. An HCA itself is a heritage resource, composed of individual elements that collectively create a distinct sense of time and place. Properties that contribute to the heritage value of the area are known as “contributing” properties. Identifying these properties illustrates how the area’s heritage value is expressed and guides conservation decisions.

The HCA Development Guidelines are designed to prioritize the retention of contributory properties. To incentivize this preservation, the guidelines allow for adjustments to development regulations when the features of a contributory property are retained. These adjustments may include for example modifications to setback requirements, parking standards, use flexibility, and density increases. Each development proposal is evaluated on a site-by-site basis, with the Development Planning Department exercising discretion in making these decisions. This approach encourages the conservation of the character and historical value of the neighbourhood and its contributory features while accommodating new development needs.

The HCAs also include properties and buildings that are not considered contributory to the heritage value of the area, however, changes to non-contributing buildings can still impact the area’s heritage value and offer opportunities to enhance its character through thoughtful design. Therefore, the HCA Development Guidelines provides guidelines for all properties, with additional considerations for the “contributing” properties.

## Methodology

A multi-step process was used to classify properties in the Abbott Street and Marshall Street HCAs as “contributory”. Based on the statements of ‘significance’ and ‘future character’, each property and landscape element were assigned one of these statuses. This classification, along with the guidelines, directs incentives, energy, and sensitivity towards conservation. It allows for development, density, and change while discouraging demolition or significant transformation of character. If essential character-defining elements of a contributory property, such as the building, the trees or even the siting, undergoes significant transformation or demolition, it shall no longer retain its classification as a contributory property, and in this, lose its access to potential incentives and development variances.

The Contributory Properties Schedule was created based on the criteria below:

1. Listed on the 1983 Heritage Resources Inventory or the Heritage Register (including properties protected by a Heritage Designation Bylaw or a Heritage Revitalization Agreement).
2. Identified as having heritage significance - aesthetic, historic, scientific, cultural, social, spiritual or contextual, sometimes with a plaque out front.
3. Constructed during the most prolific decades of development, beginning in the 1900s and ending in 1959, which gave the neighbourhood its valued character, as noted in the Statement of Significance.
4. Exhibit character-contributing built form with elements such as 1-2.5 storey height with traditional roof forms (gable, hip, gambrel, flat etc.) prominent or end-wall chimneys, bay and picture windows, wood and/or stucco cladding, traditional porches, entries and doors, and rich, contrasting paint schemes.
5. Exhibit character-contributing siting and landscaping such as lining up approximately with the neighbouring houses siting, yard featuring mature or traditional landscaping, curved pathways, openly visible from the street.

In contrast, all other properties can be redeveloped in a transformative manner, allowing for new designs that are compatible with, distinguishable from, and subordinate to their neighboring properties. See Map 23.2: Contributory Properties in the Abbott Street and Marshall Street Heritage Conservation Areas on the next page.



**Legend**  
 ■ Contributory Buildings 2024  
 □ Heritage Conservation Area

100 50 0 100  
 Meters

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



MAP 23.2: CONTRIBUTORY PROPERTIES

## Hierarchy of Property Elements

When assessing applications for infill housing developments in the Abbott Street and Marshall Street Heritage Conservation Areas (HCAs), a clear hierarchy of priorities must guide decisions. The top priority is the retention of contributory buildings, which are crucial to preserving the character and heritage value of the area. Following closely is the retention of mature trees, as they significantly enhance the environmental and aesthetic quality of the HCAs.

Although housing is critically important, the siting and design of infill developments must integrate thoughtfully with the existing context, with a strong emphasis on preserving mature trees wherever possible. If a mature tree is located in an area intended for an infill unit, alternatives like relocation or in-kind replacement should be considered. However, if a tree is affected by lower-priority features such as parking spaces, garages, or driveways, priority should be given to tree retention. Staff level delegated variance authority could be used to accommodate tree preservation. In such cases, site planning, parking plans or requirements may need to be adjusted to ensure that development aligns with both housing needs and the preservation of the area's historical and environmental uniqueness and integrity.

## Incentives for the Conservation of Contributory Building and Streetscapes

A proposal that involves the retention of a contributory building (and/or landscape elements where applicable) could be eligible\* for the following incentives using a Heritage Revitalization Agreement (HRA):

- Additional permitted land uses
- Small lot, non-standard and/or panhandle subdivision
- Parking Variances
- Setback Variances
- Extra FAR
- More than 4 units / lot

Certain fees, such as those for Heritage Alteration Permits (HAP) or Heritage Revitalization Agreements (HRA), may also be waived for proposals that involve the retention of a contributory building.

*\* HAPs are reviewed and approved on a case-by-case basis, with the number and level of incentives depending on the specifics of the proposal, the property, the level of proposed retention, and the potential legal protection of the property.*



## Design Principles

The following principles<sup>1</sup>—distinguishability, compatibility, and subordination—form the foundation of the HCA Development Guidelines for new additions or buildings. They aim to ensure that new buildings and additions are informed by the existing historic character, local topography, urban design, and overall sense of place within the Abbott Street and Marshall Street Heritage Conservation Areas.

An effective approach to implementing these principles involves viewing new additions or infill buildings as contemporary complements to the existing structures. While sharing certain attributes, but in

some cases with greater height and scale, these new constructions are intentionally designed to be less ornate or detailed. They are thoughtfully crafted to respect the integrity and prominence of the contributory buildings, preventing any overshadowing or disruption of their presence.

Applicants should read and understand Design Principles and guidelines when preparing applications for new construction, renovations, or additions within the Heritage Conservation Areas.

### Design Principle #1

#### THE VALUE OF DISTINGUISHABILITY

Distinguishability is essential for honoring the historical evolution of an area or building. When designing new infill buildings or extensions, it's important to clearly differentiate them from existing structures. This helps observers understand the timeline of construction and changes over time, distinguishing each phase of building. Thoughtful development avoids confusing what is old and what is new by avoiding imitation, preserving the property's story. Passers-by should easily recognize different architectural styles, materials, and periods of construction, whether through subtle or bold design choices.



<sup>1</sup> *The Standards and Guidelines for the Conservation of Historic Places in Canada - Standard 11 regarding additions to historic places*

## Design Principle #2

### ACHIEVING COMPATIBILITY

Compatibility does not imply uniformity or replication. New and existing structures can achieve compatibility through various aspects, such as height, roof form, material finishes, or window patterns. For example, structures may share similar heights and forms or differ in these aspects while being compatible in their material finishes. The objective is to create a logical, harmonious, or fitting coexistence. Compatibility can be subtle or bold but should not be so subtle as to create confusion about what is old and what is new.



## Design Principle #3

### ACHIEVING SUBORDINATION

Subordination should not be solely interpreted as being smaller; instead, it involves ensuring that an addition or building does not overshadow the historic place. This can be achieved by employing simpler finishes, restrained detailing, or a discreet location and color palette. The addition may even exceed the scale of the historic structure but should function as a canvas or backdrop, enhancing its prominence rather than competing with it.



# ABBOTT STREET AND MARSHALL STREET CONTEXT

## Purpose of A Statement of Significance

A Statement of Significance (SOS) is a summary of the historical, cultural, aesthetic, scientific, social, spiritual and environmental values of an historic place, whether it is an individual property or an area. It contains a description of the historic place and its key features, a summary of the area’s heritage values, and a list of character-defining elements. Character defining elements are the aspects of an historic area that contribute to its heritage value and that should be retained to preserve this value. The guidelines in the Development Guidelines section of this document should be interpreted with reference to the character defining elements in the SOS. It is important to note that the SOS is written through a colonial lens, reflecting the heritage values and priorities of colonial development. Recognizing and integrating Indigenous values and perspectives is a crucial step for a more comprehensive and inclusive understanding of these areas.

## Statement of Significance

### Description of the Historic Place

The Abbott & Marshall Streets Heritage Conservation Areas (HCAs) are located in the Core Area of the City of Kelowna, British Columbia. It is a residential area dominated by single detached houses comprised of over 360 properties in approximately 36 hectares. Their boundaries are between Mill Creek in the north, Strathcona Avenue in the south, and Okanagan Lake in the west. The Abbott Street HCA eastern boundary starts along Water Street, continues along the lane between Knox Crescent and Pandosy Street and ends along Pandosy Street. The Marshall Street HCA spans the entire Marshall Street and includes the first two properties on the north side of Rowcliffe Avenue and the first two on the south side of Buckland Avenue to the east (see Map 23.1: Abbott Street and Marshall Street Heritage Conservation Areas).



Aerial view of Kelowna and the Okanagan Lake Floating Bridge in the 1960s - Kelowna Public Archives #9761

## Heritage Values

The Abbott & Marshall Streets Heritage Conservation Areas are located on the traditional territory of the syilx/Okanagan people on the eastern shore of kłúsxnítkw̓ (Okanagan Lake), an important and sacred syilx place, invaluable resource and traditional transportation route since time immemorial.

The historic settler residential neighbourhood that was established here between Pandosy Street and Okanagan Lake, south of Mill Creek and north of the hospital in the early 1900s, has been recognized as a historic place for its evident built and scenic character since 1983. Two Heritage Conservation Areas were established within this neighbourhood in 1998, each named after the dominant roadways - Abbott Street and Marshall Street - that traverse them.

The neighbourhood is historically associated with the introduction of modern transportation services in the area (a rail branch line completed between the CPR mainline at Sicamous and Okanagan Landing in 1892 as well as paddlewheeler service connecting various points on the lake) which gave Kelowna 'townsite' its important boost to expand towards incorporation as a city and for the local agricultural industry to be established in earnest. First subdivided for farming homesteads in 1904, but adjusted to urban residential lots by 1906, this residential area is valued as a representation of the early and evolving character of Kelowna's settler inhabitancy pattern along the shores of Okanagan Lake. Its house styles offer a diverse variety of residential architecture dating from the early 1900s right up until today, with various recognizable development booms and architectural trends, often constructed in pleasantly consistent groupings.

The curved or diagonal alignments of certain streets and lanes in the neighbourhood, such as Abbott, Knox, Pandosy and Riverside, were laid out this way due to the proximity and natural shapes of Mill Creek and Lake Okanagan, a unique characteristic of this neighbourhood. The natural, scenic aspects of the area, along with views of the lake along the east-west streets and between some of the houses, have given the neighbourhood an identity as a recreational and tourist destination for visitors and residents alike. It has been called a 'sanctuary' by many and is cherished as a green, shady, authentically historic place that is walkable, bikeable, centrally situated, and that offers interesting, educational and pleasant experiences to all - comparable to a public park.

The neighbourhood is valued for the way it conveys a unique sense of time and place and for its strong sense of community. Containing the highest concentration of heritage buildings in Kelowna, some listed on the Kelowna Heritage Register, others on the earlier 1983 Heritage Resources Inventory, as well as home to dozens of heritage trees and groupings identified on the 1992 Heritage Trees of Kelowna report, the area's legacy attributes establish a strong heritage character in the neighbourhood. This sense of an established, older neighbourhood comes from the collective presence of extensive, mature landscaping on many properties and along the streets, as well as from the abundance of traditional house styles and property configurations prioritizing pedestrian entrances facing the street, front porches, and inviting, open front yards.



With few exceptions, the residences in this neighbourhood are modest in size and detailing. This is a characteristic that remained even when house styles changed from early 1900 cottages to interwar revival homes to post-war bungalows and onto suburban ranchers. Only in the last two decades, since the establishment of the Heritage Conservation Area bylaw in 1998, have very large homes with multiple car garages become an apparent phenomenon, with the majority of this typology located along the lakeside of Abbott Street, although recently they are appearing in more areas of the HCA. This is a reflection of the changes in housing styles and forms as vehicles became more popular and predominant over time and homes had to be designed to accommodate them.

Recognizing and establishing the heritage value and unique character of this neighbourhood was an effort spearheaded by some Kelowna residents, and this ongoing, preservation-focused advocacy is part of its social and historical narrative. Although initiated decades earlier, heritage recognition of this area was first formalized as part of the Kelowna Heritage Resource Inventory project in 1983 which was supported by staff at the Kelowna Centennial Museum, volunteer members of the City of Kelowna Heritage Advisory Committee, the Central Okanagan Heritage Society, the Okanagan Historical Society, and residents of the neighbourhood (many of whom were/are members of the above-mentioned organizations). It was residents of this neighbourhood who helped to form the Kelowna South-Central Association of Neighbourhoods (KSAN) in 1993, the Friends and Residents of the Abbott Street Heritage Conservation Area Society (FRAHCAS) in 1998, and the Kelowna Tree Protectors in 2016 - community groups that continue to advocate for heritage conservation in this area and beyond.

### Character Defining Elements

- Residential form and character as expressed by the one to two-and-a-half storey wood-frame homes, with the majority modestly scaled, and featuring one-and-a-half storey height.
- Typical property siting and scale of residences that allows for clear views between and through properties
- A prominence of traditional house styles, with unique designs, but still featuring common elements such as front porches or stoops, central front doors visible from the fronting street, traditional roof forms (gable, hip, gambrel, flat etc.) prominent or end-wall chimneys, bay and picture windows, wood or stucco cladding and rich, contrasting paint schemes.



- Several precincts that express unique characteristics including Maple Street, Marshall Street and two precincts of early pre-World War I homes.
- Residential front yards often featuring mature landscaping and curved pathways, openly visible from the street.
- Openly visible properties with minimal to no hedges or fencing, allowing a view of the property and the house.
- Car garages are predominated by traditional set back garages.
- An abundance of large, mature trees, both on private and public property, that create a substantial tree canopy in the neighbourhood.
- The natural contours, views and habitat of Mill Creek which delineates the northern border of the neighbourhood.
- Two Mill Creek bridges just south of Harvey Avenue at Abbott and at Water Streets, and the pedestrian/bike access from the neighbourhood to City Park via a tunnel located at the western edge of Lake Avenue - which act as the northern gateways to the neighbourhood and contribute to its accessibility and walkability.
- Public access to Okanagan Lake via seven beach access points in the neighbourhood. Views of the Okanagan Lake from and between properties, especially along Abbott Street.
- Abbott Street Recreation Corridor with its treed boulevard, boulevard gardens, its two-way bike path, separate sidewalk and heritage-style streetlamps.
- The view of lakeside home frontages from the Okanagan Lake beach.
- The view of the home frontages from Mill Creek.
- The country-lane character of some of the neighbourhood due to lack of sidewalks, such as Maple Street, the north side of Lake Avenue, Knox Crescent, the south side of Park Avenue, Vimy Avenue, McDougall Avenue, Long Street.
- The walkability of the neighbourhood with its wayfinding signage, the pedestrian-friendly paths, traffic-controlled streets and access points to the beach, hospital, downtown and City Park.
- The citizen-initiated and funded, weather-proof interpretive plaques outside many of the character homes and significant trees, angled towards the street for the benefit of passers-by.



## Purpose of A Statement of Desired Future Character

A Statement of Desired Future Character serves as a roadmap for managing change in a way that respects and enhances the unique historical and cultural significance of the heritage area. The guidelines in the Development Guidelines section should be interpreted with reference to the Statement of Desired Future Character. It is important to note that the Statement of Desired Future Character is written through a colonial lens, reflecting the heritage values and priorities of colonial development. Recognizing and integrating Indigenous values and perspectives is crucial next step for a more comprehensive and inclusive understanding of these areas.

## Statement of Desired Future Character

The character of the Abbott & Marshall Streets Heritage Conservation Areas is made up of the relatively consistent built form and siting of single detached housing and duplex residences of modest size and detailing, constructed in a diversity of styles from the early 1900s until today. The character is augmented by the abundance of mature trees on both public and private properties, and the many traditional front and side gardens maintained by the residents themselves. The neighbourhood has a non-generic, authentic vibe to it which stems both from the physical aspects of the built and natural elements in it, but also from the unique sense-of-place it offers and for its strong sense of community.

As a neighbourhood which has evolved from the moment it was settled, including several significant development booms that saw the construction of new houses boasting the architectural trends of their time, the subdivision of larger properties into smaller urban lots, the conversion of large dwellings into multi-family dwellings, and the infilling of developed properties with carriage houses, second dwellings, and additions for secondary suites - this area will continue to gently and thoughtfully densify. This could occur through renovations, house conversions, additions, infill buildings, multi-family buildings, Heritage Revitalization Agreements, and further subdivisions where appropriate. New contemporary designs and additions will reflect their era of construction as guided by the Standards and Guidelines for the Conservation of Historic Places in Canada, in keeping with the range of existing buildings in the neighbourhood that are easily identifiable and



The Abbott Street footbridge over Mill Creek with a view towards what would become Kelowna's City Park in two years. Photo circa 1907. Credit: Old Kelowna Facebook Group

associated with their own decade-specific architectural expression. The retained authentic, historic character of the HCAs, along with a careful, customized approach to development, will continue to provide residents and visitors alike with a unique and valued sense of place into the future while recognizing the OCP's directions that focus on increased densification and complete communities.

The preservation of the following elements is a priority:

- Contributory buildings of all eras and styles (Map 23.2)
- Mature trees on private properties and in the public domain.
- The low-rise, single detached housing form and footprint of the street-fronting buildings, whether contributory or not.
- The open visibility of the properties through low, or the absence of property fences.
- The traditional design prioritization of pedestrian use and entrances on the front and side elevations of homes, with car garages or carports at the back or accessed from the lane.
- The inviting, accessible, recreational uses in the neighbourhood such as the bike and walking paths, the interpretive plaques, the beach access points, the views of the lake and the shaded sanctuary of the mature trees.



## Heritage Conservation Areas Precincts

Kelowna's Heritage Conservation Areas are composed of four distinct precincts, each with its own unique characteristics and historical significance. These precincts collectively contribute to Kelowna's heritage, reflecting the diverse architectural styles, histories, and

community values that have shaped the city over time. By recognizing these precincts, Kelowna aims to maintain its historical integrity while promoting a sense of place and continuity for future generations. The precincts identified in the Heritage Conservation Areas include:

### Marshall Street Precinct\*

The Marshall Street precinct's heritage character is created by the presence of the W.J. Marshall House at 1869 Marshall Street, along with smaller, traditional houses along both sides of Marshall Street, from Buckland Avenue to its termination at Mill Creek, and the partial blocks of Rowcliffe and Buckland Avenues to the east. The precinct comprises 25 properties which all, individually and collectively, contribute to its character. 1869 Marshall Street was built in 1908 and is protected through a heritage designation bylaw. The remainder are smaller historic houses, built between 1929 and 1950, except the Care Centre at 1820 Marshall - built in 1999, 1868 Marshall built in 1990, and 1882 Marshall built in 1965. Collectively, the overall building character, relatively consistent scale, siting, shallow front-yard setbacks, street trees and mature property landscaping, and the narrow street culminating at a cul-de-sac at the creek, make the precinct a distinctive island of houses within the multi-family, institutional and commercial land uses surrounding it. Mill Creek, which flows along the western and southern edge of the precinct is an important contributory feature.

*\* From a heritage values and character perspective, this area is a distinct precinct. From a legislative perspective, the Marshall Street Heritage area has been and continues to be a Heritage Conservation Area.*

### Early Homes Precinct # 1 Park Avenue and Pandosy Street

This is one of two areas with a concentration of the earliest grouping of homes built in the neighbourhood before World War I, including those on the 400 block of Park Avenue - the 1905 Buck House, the 1905-1909 Joyce Hostel building, the early cottage at 467 Park Avenue, the 1908 Reekie House, as well as on the north side of the 300 block of Park Avenue with 386 Park Avenue (c. 1908), 374 Park Avenue (1910), 366 Park Avenue (c.1913) and the c. 1903 Temple House. This precinct also includes 377 Beach Avenue (c. 1911), 2024 Pandosy Street (1908) and 2034 Pandosy Street (1907) which are protected through a heritage designation bylaw. These homes are diverse in size, style and siting, reflecting the first isolated, settlement efforts carried out in what was at the time a completely undeveloped area with minimal infrastructure.

### Early Homes Precinct # 2 Abbott Street from Lake to Beach Avenues

This area contains one of the two earliest clusters of homes constructed in the neighbourhood prior to World War I, including those on the east side of the 1900 block of Abbott Street - 1923 Abbott Street (1910), the McWilliams House at 1931 Abbott Street (1909), the Murdoch House at 1957 Abbott Street (1913), 1961 Abbott Street (c.1909) and 1967 Abbott Street (c.1909). Also included across the street are the Jackson House at 236 Beach Avenue (1910) and 278 Beach Avenue (1908), and at the north edge of the precinct, the 1910 Haldane House at 263 Lake Avenue. These homes are diverse in size, style and siting, reflecting the first isolated, settlement efforts carried out in what was at the time an undeveloped area with settler homes and with minimal infrastructure.

### Maple Street Precinct

The single block of Maple Street is unique in that all 16 properties were developed within a short time-period, the vast majority in the 1940s with only a few shortly before or after. The houses are inspired by house pattern books of this decade and are very consistent in scale, siting and finishes - almost all are 1.5 storey homes, aligned in siting, with central entrances and side-gabled roofs. None of the homes has been demolished or unrecognizably transformed since construction, making this an integral block of the HCA. The streetscape itself has a country-lane feel to it because it features extremely large street trees, mostly maple trees, from the beginning to the end of the block on both sides and has no pedestrian sidewalks. This allows pedestrians and vehicles to share space and creates a low-speed vehicular environment. These consistent and unique features give this precinct its one-of-a-kind character.

### Custom Mid-Century Modern Precinct

A rare grouping of four flat-roofed 1950s Modernist home designs on the 300 block of Burne Avenue associated with a local architect and builder. Some redevelopment of adjacent properties has occurred in recent years, reducing the number of consistently designed Modernist homes that remain.



MAP 23.3: HERITAGE CONSERVATION AREAS PRECINCTS

# DEVELOPMENT GUIDELINES

The established guidelines apply to all properties in the HCA, ensuring a cohesive and standardized approach to property development and preservation. These guidelines provide a foundational framework that upholds the historic integrity and continuity of sense-of-place in the HCAs. The Standards and Guidelines for the Conservation of Historic Places in Canada (Parks, 2010) serve as the basis for Kelowna's HCA Development Guidelines. Specific reference should be made to Standards 11 and 12 (below).

- (Standard 11) Conserve the heritage value and character-defining elements when creating any new additions to a historic place and any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.
- (Standard 12) Create any new additions or related new construction so that the essential form and integrity of a historic place will not be impaired if the new work is removed in the future.

Specific guidelines tailored for contributory properties can be found under supplemental sections titled "contributory", which address the unique considerations necessary for conserving their heritage value and maintaining a property's contributory status.

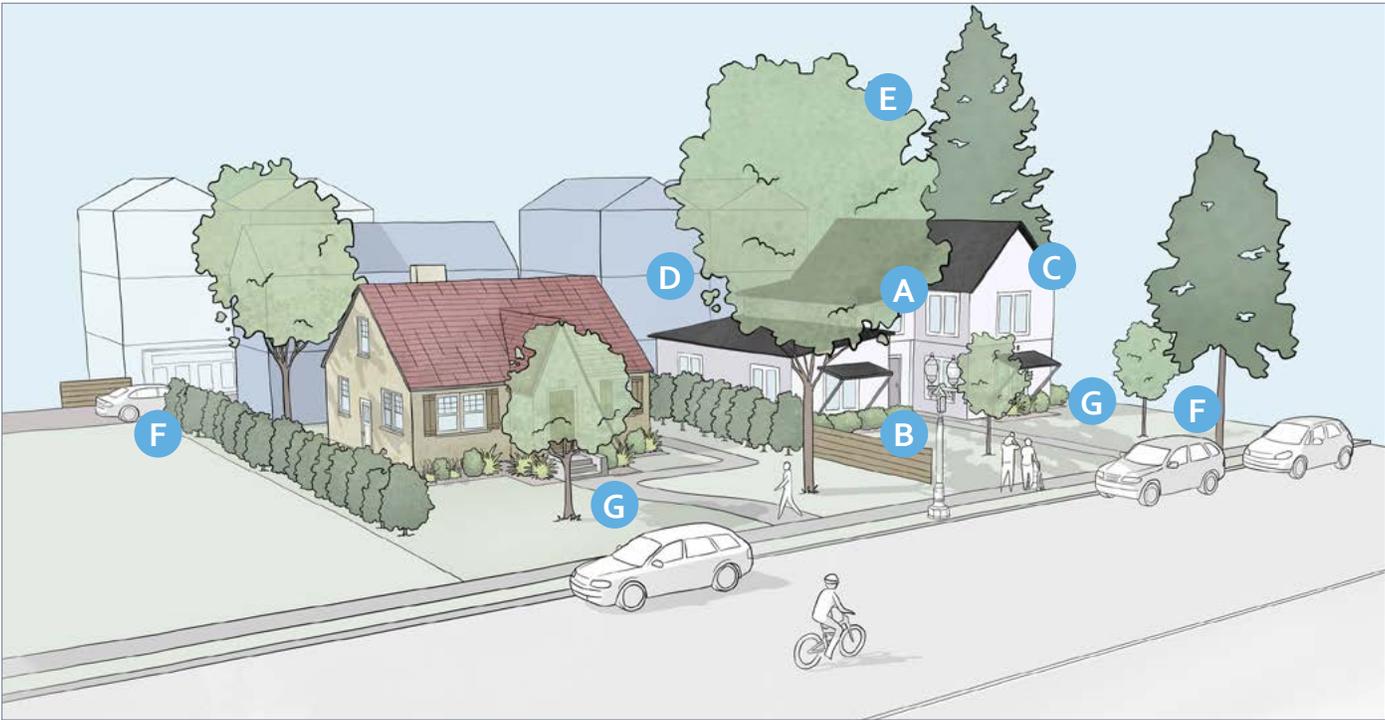
Guidelines for properties located within the Hospital Transit-Oriented Area (TOA) are outlined in Chapter 18 – Form and Character, Section 4.0 Low & Mid-Rise Residential & Mixed-Use Units of the Official Community Plan (OCP). Additional guidance is provided in the supplemental sections titled "TOA," as mandated by the Bill 47 Housing Statutes (Transit-Oriented) Amendment Act. The TOA within the Heritage Conservation Area (HCA) is a technical boundary defined by proximity to transit routes. All blocks within the TOA of the HCA are of heritage importance, just like areas outside of the TOA, and are described in the neighbourhood Statement of Significance (SOS). Heritage conservation is a priority within the TOA, and are eligible for incentives offered for the retention of contributory properties, similar to properties outside the TOA.

Applicants are encouraged to gather as much historical information as possible before undertaking any alterations. Historic photos, archival records, and a careful examination of the building itself often yield valuable clues regarding the original appearance, materials, chronology of alterations, lost details, and placement of colors. This is especially true for signature elements like windows and doors.



# 1.0

## KEY GUIDELINES



### Intent

To preserve, celebrate and maintain the heritage values and sense-of-place of the HCAs through the incentivization of the conservation of contributory properties and streetscapes, while ensuring new development is thoughtful, compatible and subordinate.

To achieve the objectives of HCA Development Guidelines, all development must be informed by the unique historic context and/or distinct precinct it is in, and:

- A** Maintain the character-defining streetscapes by preserving the original form, scale, massing, and finishes of contributory buildings.
- B** Maintain the historic, consistent and/or average siting of street-fronting buildings on a given block.
- C** Retain the single-dwelling form, footprint and (up to 2 storey) height for street-fronting buildings, both for existing and new construction, even if they contain multiple units.
- D** Ensure all alterations, additions, and new buildings are visually compatible with, subordinate to and distinguishable from the existing context and the historical design of adjacent properties. Additions and infill buildings (up to 3 storeys) should ideally be sited behind contributory Buildings. Avoid directly mimicking contributory buildings to maintain clarity between historical and contemporary elements.
- E** Preserve the established tree canopy to maintain the neighbourhood's heritage values, natural beauty and environmental benefits.
- F** Prioritize pedestrian-oriented design with all vehicle access taken from the lane if available. Ensure the portion of any building facing the street facilitates easy access for pedestrians to front entrances from the street. Avoid blank walls at street level to create a more engaging and welcoming streetscape. Property walls, solid gates and hedges are not permitted.
- G** Ensure onsite landscaping and the off-site frontages contribute to the urban livability and historical design of the neighbourhoods by promoting the conservation or introduction of mature yard plantings, curved pathways and traditional landscaping approaches that enhance the public visibility of properties.

## 1.1 Streetscapes

### Intent

To maintain the character-defining streetscapes by respecting the historic, consistent and/or average siting of street-fronting buildings, hardscaping and landscaping elements on a given block. Preserve the original form, scale, massing, and finishes and layouts of contributory properties. Maintain the substantial tree canopy in the neighbourhood, including mature and large trees and other plantings, both on private and public property.

### Guidelines

1. Assess and understand the unique streetscape of the block where the property is located, especially the specific side of the block. Consider the average or typical character of the block and property when planning development, changes, or maintenance.
2. Consider aspects such as typical building siting, distance between buildings, typical building form and size, consistent or unique street trees, sidewalks (or lack thereof), public infrastructure, and other unique tangible and intangible aspects of the block to inform the proposal.
3. Check if the property is located in an HCA Precinct (see Map 23.3), and if it is, follow the streetscape and other guidelines specific to it.



Figure 1: Assess and understand the unique streetscape of the block where the property is located, especially the specific side of the block.

## 1.2 Site Planning & Layout

### Intent

To permit thoughtful change and development on the interior, side and rear elevations of contributory Buildings on contributory properties, changes must retain or enhance the unique heritage character of the property. New street-fronting buildings should reflect the neighbourhood's traditional single-dwelling form, footprint and (up to 2 storey) height. Three storey structures should be sited at the rear of properties or set back from the street-fronting buildings.

### Guidelines

1. Support house conversions within contributory buildings to achieve additional units and uses, fostering change and growth while conserving the historic buildings and character of the HCAs.
2. Set back additions to contributory buildings sufficiently to preserve the prominence of the historic building, ensuring that the original form remains prominent from the public realm.
3. Consider the relocation of a contributory building or feature, if necessary, to allow room for additions or infill buildings while maintaining or enhancing the visibility of the contributory building or feature.

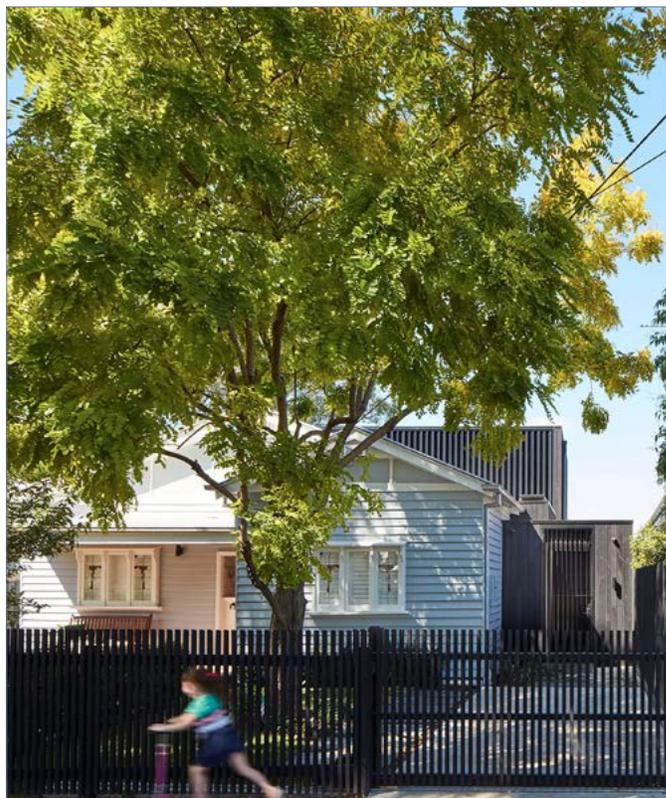


Figure 2: Support house conversions within contributory buildings to achieve additional units and uses, fostering change and growth while conserving the historic buildings and character of the HCAs

4. Vary rear setbacks from the established pattern within the limits of the Zoning Bylaw to accommodate additions to the existing building footprint and enable infill buildings at the rear of the properties. Variances to development regulations may be considered.
5. Ensure that spacing between buildings allows for ample light penetration and small view corridors from the public street.
6. Mimic the siting of contributory buildings for new residences to follow the established development patterns in the neighbourhood.
7. Maintain front yard setbacks within 10% of the adjacent or average building setback on the same side of the block.
8. Position new structures including additions, infill buildings, carriage houses, garages and carports, to be set back from or located behind the street-fronting building line. In the case of a wide lot, it may be appropriate to position additions, infill buildings and carriage houses next to or in line with the existing house.
9. Reduce neighbour overlook by locating second storey or third storey outdoor spaces in context sensitive siting to preserve privacy for neighbours.
10. Site coverage should be responsive to the neighbouring building massing and open space. In the case of a large lot, the maximum site coverage should be achieved through more than one structure, to retain the typical scale of houses and structures in the neighbourhood and allow for open space between them.
11. Oversized street-fronting homes are not supported, as they disrupt the consistent character of modestly-scaled homes long-established and implemented up until 1998. Oversized homes create long elevations that obscure the view between and through properties which is a character-defining element of the neighbourhood, and negatively impact the sense-of-place desired for conservation.
12. New front driveways and garage doors facing the street are not supported where rear lane access is available. Where no lane is available, front drives with rear garages are permitted.
13. Snout houses and the introduction of garages into existing street-fronting buildings are not supported, whether contributory or not.
14. Plan site development to retain large trees and identified mature trees in situ. Variances to select development regulations may be considered to retain existing mature trees. Tree protection measures during construction may be required.
15. Limit impermeable surfaces in landscaped areas and open spaces to maximize stormwater infiltration. Respect the Okanagan Lake floodplain and Mill Creek floodplain which set minimum building elevations for construction.

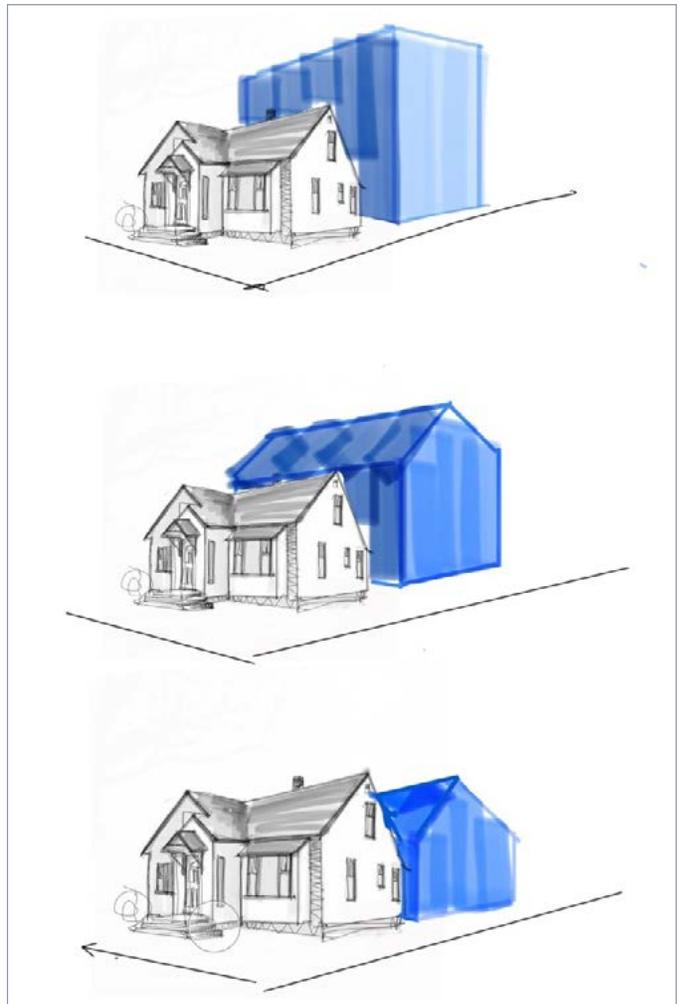


Figure 3: Vary rear setbacks from the established pattern within the limits of the Zoning Bylaw to accommodate additions to the existing building footprint and enable infill buildings at the rear of the properties. Variances to development regulations may be considered.



Figure 4: Plan site development to retain large trees and identified mature trees in situ.

### 1.3 Relationship to Street & Parking

#### Intent

To ensure the provision of adequate servicing, vehicle access, and parking in a manner that maintains and enhances the traditional pedestrian-focused building and property designs of the area.

The historic neighbourhood was not designed around cars, and when a historic garage was built, it was always at the rear and discreet in size and siting.

#### Guidelines

1. Prioritize traditional pedestrian design by retaining or applying street-facing pedestrian entrances, stoops, and porches on the front and side elevations of homes.
2. Retain on site car garages or carports at the back or to be accessed from the lane. Where there is no lane, access to a garage or carport from the front street is permitted, if the entrance is well behind the street-fronting building line to diminish the impact of garages facing the street. Buildings should be designed such that habitable space faces the street to encourage a lively pedestrian experience. New snout houses and garage additions on the front of existing buildings will not be permitted.
3. Ensure that site layouts include provision for solid waste pick-up and bin storage that is enclosed or otherwise screened from view.
4. Use permeable paving materials and soft and soil-based landscaping to enhance the appearance of driveways, parking areas and to reduce their visual and environmental impact
5. Ensure that pedestrian pathways are clearly defined, safe, shaded through tree plantings or awnings, and accessible, with priority given to pedestrian movement over vehicular access. Artificial lighting may be used to enhance pedestrian pathways.
6. Enhance the “lanescape” by orienting additional units located towards the rear of the property to face laneways, and use building entrances, lighting, landscaping, and materials to reinforce a safe and attractive public realm.



Figure 5: Retain on site car garages or carports at the back or to be accessed from the lane.



Figure 6: Ensure that pedestrian pathways are clearly defined, safe, shaded through tree plantings or awnings, and accessible, with priority given to pedestrian movement over vehicular access. Artificial lighting may be used to enhance pedestrian pathways.

#### TOA Guidelines

For properties in the Hospital Transit-Oriented Area (TOA), guidelines can be found in Chapter 18 of the OCP, Section 4.0 – Low & Mid-Rise Residential & Mixed-Use Units. The permitted build form may conflict with the established character of the neighbourhood, making a subordinate design essential for a successful proposal. Please refer to the design principles in Section 4.0 for guidance.

7. Design buildings that align with the neighbourhood’s traditions of pedestrian entrances facing the street and that are modest in size and detailing. On an apartment building this could be achieved by including townhouses with individual street-facing entrances, gardens and patios at street level and/or a distinguishable articulation of the first or second storey in a unique design, setback and colour, to maintain the historic animation of a streetscape of homes.

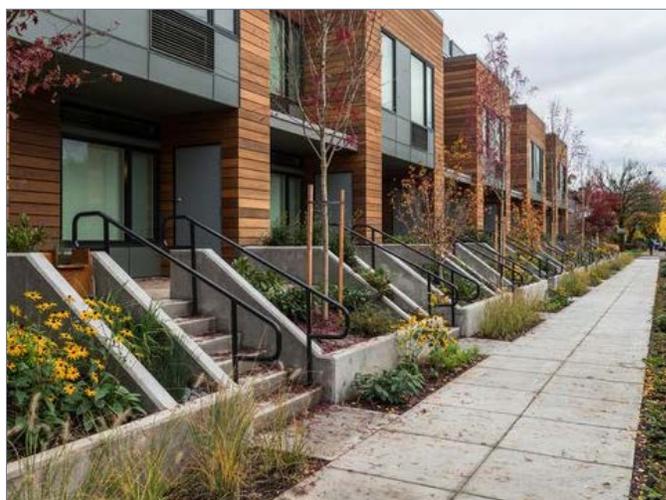


Figure 7: Design buildings that align with the neighbourhood’s traditions of pedestrian entrances facing the street and that are modest in size and detailing.

## 1.4 Scale, Massing and Building Articulation

### Intent

To preserve the original form, scale, massing, and finishes of contributory buildings while guiding new street-fronting buildings to be visually compatible with, subordinate to and distinguishable from contributory buildings and properties.

### Guidelines

1. Maintain a low-rise, single-dwelling form appearance, even with multiple units, for both new and existing street-fronting buildings, including additions, with a maximum height of 2 storeys. Do not add parapets or solid railing walls around rooftop patios right at the building face, as this creates a false sense of height or massing which disrupts the intended streetscape character. Rooftop structures (such as elevator accesses) should be set back from the building face for the same reason, so as not to create a false front or height above the maximum allowed 2 storey height.
2. New street-fronting building proportions and heights should reflect the consistent existing context, as the majority of contributory buildings in the HCAs are horizontal in proportion and one to two storeys in height.
3. Allow additions, infill, and accessory buildings to reach up to 3 storeys, provided they are set back from or positioned behind the street-fronting residences.
4. New houses, infill buildings, carriage houses and garages as well as new additions to contributory buildings, should meet the requirements of Standard 11 for 'additions to historic places' in that they should be "visually compatible with, subordinate to and distinguishable from" the contributory building they are added to, behind or adjacent to. This means they do not precisely mimic the form and finishes of the contributory building, even if they are attached to it.
5. Design new construction on vacant lots or demolished buildings to reflect contemporary architectural styles rather than directly mimicking historic designs. This approach helps avoid confusion about what is historic and what is new, while integrating with the established neighbourhood following the Development Guidelines.
6. New building designs should embrace the diversity of house styles and finishes in the HCAs, avoiding repetition and encouraging variation between properties.



Figure 8: Maintain a low-rise, single-dwelling form appearance, even with multiple units, for both new and existing street-fronting buildings, including additions, with a maximum height of 2 storeys.



Figure 9: Design new construction on vacant lots or demolished buildings to reflect contemporary architectural styles rather than directly mimicking historic designs.



Figure 10: Use links, breezeways, insets, or offsets for side and rear additions to connect to the historic building, distinguishing their massing from the original house.

### Contributory Property Guidelines

7. Research and understand the original building form and design tradition of its historic era to best conserve its form, massing and architectural details.
8. Avoid damaging or obstructing historic character-defining features when constructing additions.
9. Use links, breezeways, insets, or offsets for side and rear additions to connect to the historic building, distinguishing their massing from the original house.
10. Design basement additions without raising the historic floor level, except where necessary to respect the floodplain and meet minimum building elevations, ensuring the new level does not significantly exceed neighboring conditions.
11. Focus on rear additions or setback side additions, particularly on wider lots, rather than adding full-floor second-storey additions that obscure the original structure's form.



Figure 11: Ensure that any new low-rise apartment buildings (up to 6 storeys) within the TOA boundary meet the requirements of compatibility with, distinguishability from, and subordination to the surrounding heritage context.

### TOA Guidelines

For properties in the Hospital Transit-Oriented Area (TOA), guidelines can be found in Chapter 18 of the OCP, Section 4.0 – Low & Mid-Rise Residential & Mixed-Use Units. The permitted build form may conflict with the established character of the neighbourhood, making a subordinate design essential for a successful proposal. Please refer to the design principles on pages 11 & 12 for guidance.

12. Ensure that any new low-rise apartment buildings (up to 6 storeys) within the TOA boundary meet the requirements of compatibility with, distinguishability from, and subordination to the surrounding heritage context. Given that these buildings will exceed the height of existing historic structures, special attention must be paid to the requirement for subordination, on page 12. Refer to the Design Principles section for guidance on achieving these objectives.
13. Design buildings that reflect contemporary styles while respecting the existing context of the HCA. Avoid mimicry of heritage details from previous decades.
14. Design buildings that align with the neighbourhood's traditions of pedestrian entrances facing the street and that are modest in size and detailing. On an apartment building this could be achieved by including townhouses with individual entrances, gardens and patios at street level and/or a distinguishable articulation of the first or second storey in a unique design, setback and colour, to maintain the historic animation of a streetscape of homes (see examples).



Figure 12: Use durable, fire-resistant, or non-combustible materials for new buildings within the HCAs, including smooth finished fiber cement siding and shingles, fiber cement panels, stucco cladding, and metal cladding.

## 1.5 Building Finishes

### Intent

To celebrate and prioritize good craftsmanship, material longevity, and a culture of repair and maintenance. To emphasize neighbourhood character, visual interest, and a sense of place. To recognize the heritage value of traditional materials, as well as the importance of newer, sustainable, and fire-safe materials that respect and complement the heritage context.

### Guidelines

1. Use durable, fire-resistant, or non-combustible materials for new buildings within the HCAs, including smooth finished fiber cement siding and shingles, fiber cement panels, stucco cladding, and metal cladding.
2. Prohibit the use of combed, brushed or textured lumber, textured wood or “wood grain” fiber cement sidings, unpainted clear stained wood siding, vinyl or plastic sidings, and brick or stone as a primary facing material for new buildings and additions in the HCAs due to their lack of compatibility.
3. Reflect the diversity of house styles and finishes in the HCAs by avoiding repetitive new building designs and encouraging variation between properties.

### Contributory Property Guidelines

4. Preserve the original building finishes, wherever possible, through regular repair, maintenance, restoration, and reuse.
5. Adhere to Conservation Guideline 15 under Materials and to Guidelines 1 and 2 of this section (above) when altering a building finish, regarding permitted and non-permitted finishing materials.
6. Use replica materials from the permitted list above when original finishes are irreparable or unsuitable (e.g., for environmental or economic reasons). Ensure that these materials match the dimensions and appearance of the originals and install them according to the original pattern and exposures documented on the contributory building.
7. Preserve windows of contributory buildings through regular maintenance. Repair painted shut or non-operable windows. Enhance energy efficiency with weather stripping and consider external wood storms or interior storm windows. If original windows cannot be repaired or operate efficiently and the building is not protected by heritage designation, replace with double-glazed replica units matching historic dimensions and design. Use “true divided lights” for divided-light windows.
8. Retain, repair, and restore original doors, transoms, sidelights, and hardware whenever feasible. Replace doors with replicas or salvaged units of identical dimensions and design when necessary.
9. Maintain the original front entrance of contributory buildings, even when converted or extended. Ensure new entrances do not diminish the visual prominence of the original entry.



Figure 13: Preserve the original building finishes, wherever possible, through regular repair, maintenance, restoration, and reuse.

### Standards and Guidelines for the Conservation of Historic Places in Canada - Section 4.5.1

	Recommended	Not Recommended
15	Replacing character-defining materials with compatible substitute materials, when the original is found to accelerate deterioration and only after thorough analysis and monitoring confirms that the material or construction detail is problematic. Substitute materials should be as durable as the overall assembly to maintain its expected service life.	Using new materials and new technologies that do not have a proven track record.  Replacing deteriorated character-defining elements using new materials or technologies to improve durability, when the original material performs adequately.

Figure 14: Adhere to Conservation Guideline 15 under Materials and to Guidelines 1 and 2 of Section 1.5 when altering a building finish, regarding permitted and non-permitted finishing materials.



Figure 15: Retain, repair, and restore original doors, transoms, sidelights, and hardware whenever feasible.

## 1.6 Trees, Landscaping, Walks & Fences

### Intent

To preserve the abundance of large, mature trees, both on private and public property which create a substantial tree canopy in the neighbourhood, as well as the mature yard plantings, curved pathways and traditional landscaping approaches that enhance the public enjoyment of properties.

### Guidelines for all Trees

1. Plan site development to enhance the tree canopy cover across both private and public spaces within HCAs. Variances to select development regulations may be considered to incentivize the retention of trees.
2. Engage a Certified Arborist to conduct a Pre-Development Tree Inventory as per Bylaw No. 12310 – Development Application and Heritage Procedures Bylaw, Schedule 1.
3. Tree protection measures during construction will be required. Protect and water retained trees on site and on neighbouring properties as per requirements of Bylaw No. 12310.
4. Tree condition assessments must be conducted by a Certified Arborist. If a tree cannot be retained due to health issues or location, replace it with a tree that will grow to a similar size or explore on-site relocation. Under the Arborist’s guidance, replacement with several smaller trees that collectively replicate the total canopy coverage of the removed tree at maturity can be considered.

### Guidelines for Hardscaping

5. Many properties in the HCA feature historic hardscaping elements such as curved pathways, stone or concrete retaining walls that contribute to the heritage value of the property and the streetscape of their block. Research and understand the role these elements play in the character of the property and conserve them through regular repair and maintenance and/or when planning changes or development.
6. Walkways from the street to the house, towards the side and backyard, should be distinct from driveways through different paving materials or treatment, or through separation. This enhances safety and the perception of a pedestrian-friendly, walkable neighbourhood. Extend the main entry walkway to the City sidewalk or curb with the same paving material, where possible.
7. Design new landscapes and developments to harmonize with and respect the overall landscape character of the HCAs. Integrate new elements in ways that enhance rather than detract from the area’s heritage value.
8. Create residential-focused landscapes that prioritize pedestrian safety and enhance the streetscape interface to foster a pleasant walking environment.
9. As per FireSmart best practices use decorative rocks, stone pathways, and rock retaining walls instead of wood for your hardscaping materials.



Figure 16: Plan site development to retain identified mature trees in situ.



Figure 17: Retain existing mature and large trees on-site and on neighbouring properties, where feasible.



Figure 18: Walkways from the street to the house, towards the side and backyard, should be distinct from driveways through different paving materials or treatment, or through separation.

### Guidelines for Landscaping

10. Conserve existing landscaping plantings and forms with exceptions for landscaping that has fire risks or does not adhere to height guidelines (e.g. high hedges).
11. Design new landscapes and developments to harmonize with and respect the overall landscape character of the HCAs. Integrate new elements in ways that enhance rather than detract from the area's heritage value.
12. Create pedestrian-focused landscapes that prioritize pedestrian safety and enhance the streetscape interface to foster a pleasant walking environment.
13. Enhance building entrances, soften building edges, screen parking areas, and mitigate long facades with strategically placed landscaping features.
14. Foster FireSmart and sustainable practices by selecting FireSmart, drought tolerant and native species trees and plants and those that promote biodiversity. Avoid planting conifers, especially cedars and junipers for their flammability and water consumption.
15. Rooftop patios on apartment buildings should include shade elements like trees, pergolas and other features that reduce the urban heat island effect.



Figure 19: Create residential-focused landscapes that prioritize pedestrian safety and enhance the streetscape interface to foster a pleasant walking environment.

### Guidelines for Fences and property walls

16. Historically, fences in the HCAs were only used symbolically rather than for security or privacy, thus treating front yards as a semi-public visual open space for neighbours and passersby to enjoy. Therefore, elements along the front property line must either be low (under 1.2 meters) and/or permeable (with gaps allowing filtered views inward). These elements could include plantings, fences, trellises, stone walls, and more.
17. New solid property walls, whether masonry, concrete, or metal, are not allowed in the HCAs.
18. Limit new fences, hedges, or screening landscaping to a maximum height of 1.2 m. When replacing taller fencing, walls, gates, or hedges, ensure new permitted installations adhere to this maximum height requirement in the Zoning Bylaw.



Figure 20: Elements along the front property line must either be low (under 1.2 meters) and/or permeable (with gaps allowing filtered views inward). These elements could include plantings, fences, trellises, stone walls, and more.

## 1.7 Heritage Conservation Areas Precincts

### Intent

To ensure that development within each precinct respects and enhances the unique characteristics that define the area, contributing to a cohesive and historically sensitive environment.

### General Precinct Guidelines

1. Alterations, additions, and new buildings should be informed by the unique characteristics of distinct precincts, where relevant.
2. The Maple, Marshall and Custom Mid-Century Precincts are especially characterized by consistent massing, siting and scale. The interruption of these with a proposal that involves a street-fronting building that is out of massing, siting or scale with the precinct pattern would negatively impact the entire precinct and would thus not be supported.
3. The two Early Home Precincts are valued for their concentrations of early homes in certain pockets, indicative of the development patterns in the neighbourhood. Although these precincts aren't characterized by consistent siting, house styles or even scale, the grouping of these contributory buildings is especially valuable, and for this reason their conservation in situ will be prioritized and expected in Heritage Alteration Permits in these precincts.

### Marshall Street Precinct Guidelines

4. Proposals should maintain the average/consistent scale and massing of the precinct homes (although rear additions or infill buildings could differ where appropriate), setback relationship to the street, mature trees and lack of property walls and hedges

### Early Homes Precinct # 1 Park Avenue and Pandosy Street Guidelines

5. Proposals in the Early Homes Precinct # 1 should prioritize the conservation in situ of the precinct properties and should not involve the reduction of their visibility via relocation or new construction that obscures their view from the street.

### Early Homes Precinct # 2 Abbott Street from Lake to Beach Avenues

6. Proposals in the Early Homes Precinct #2 should prioritize the conservation in situ of the precinct properties and should not involve the reduction of their visibility via relocation or new construction that obscures their view from the street.

### Custom Mid-Century Modern Precinct

7. Proposals in the Custom Mid-Century Modern Precinct should involve the conservation of the four precinct properties with their unique flat-roofed, Modernist design.
8. Rear additions or infill buildings should be distinctly readable as separate and contemporary, so that the unique 1950s design is preserved. Proposals should preserve the high visibility of the buildings, the mature trees and the lack of property walls and hedges.



## 2.0

# CLIMATE CHANGE CONSIDERATIONS FOR CONTRIBUTORY BUILDINGS

There is an increasing recognition of the need for sustainable building practices and energy conservation. Heritage conservation inherently contributes to sustainability objectives, as conservation minimizes demolition, preserves existing land use patterns and infrastructure, conserves embodied energy and greenhouse gas emissions, reduces landfill pressure, and mitigates the impacts of new construction.

While new buildings must meet mandated energy performance standards (e.g., Energy Step Code), existing buildings can achieve sustainability objectives through performance upgrades. Enhancing the energy efficiency of contributory buildings in the HCA without compromising their character-defining elements is feasible. Balancing heritage conservation with performance upgrades is essential, ensuring that energy improvement measures for heritage buildings are assessed against the *Standards and Guidelines for the Conservation of Historic Places in Canada (Parks, 2010)*:

- Add new features to meet sustainability requirements in a way that respects the exterior form and minimizes impact on character-defining elements. Collaborate with sustainability and conservation specialists to find solutions that have the least impact on the building's heritage value.
- Comply with energy efficiency objectives while minimizing impact on the character-defining elements and overall heritage value of the historic building.
- Weigh the environmental impact of energy-saving measures against the environmental impact of retaining the existing features or fabric when deciding whether to proceed with energy-saving measures.

In addition to the considerations outlined in the *Standards and Guidelines*, the following sustainability guidelines should be considered as part of the development process.

## Guidelines

1. Integrate sustainable practices in the preservation and maintenance of contributory buildings.

## Existing Materials

2. Retain existing materials whenever feasible.
3. Preserve as much of the existing building envelope materials as possible, including siding.
4. Retain original window sashes and doors whenever possible. If replacement is necessary, use replicas of the originals.
5. Deconstruct buildings instead of demolishing them to salvage materials for reuse and re-manufacturing.
6. Achieve thermal efficiency by repairing and maintaining existing wooden windows. Installing wood-framed storm windows can further improve thermal efficiency and provide sound abatement.



Figure 21: Deconstruct buildings instead of demolishing them to salvage materials for reuse and re-manufacturing.



Figure 22: Achieve thermal efficiency by repairing and maintaining existing wooden windows. Installing wood-framed storm windows can further improve thermal efficiency and provide sound abatement.

### Thermal and Energy Performance

Upgrades should balance heritage and energy efficiency.

- 7. Upgrade mechanical systems to improve thermal performance. Install new, properly-sized electric heat pumps, boilers, hot water tanks, and energy-efficient appliances that meet Energy Star ratings or higher. In heritage homes without existing ductwork, mini-split heat pumps can be an energy efficient heating option, with the added benefit of air conditioning.
- h. Enhance insulation, particularly in attic and basement spaces. Insulation can also be blown into the cavity of a wood frame wall. When upgrading insulation in older homes, it's also important to have a sufficient vapor and air barrier.
- i. To preserve heritage aesthetic, considering fixing existing windows and/or installing storm windows.
- j. Implement weather-stripping and other draft-proofing measures to reduce energy loss.



Figure 23: Upgrade mechanical systems to improve thermal performance. Install new, properly-sized electric heat pumps, boilers, hot water tanks, and energy-efficient appliances that meet Energy Star ratings or higher.

### Solar Panels

The installation of solar panels should not detract from the heritage value of the building.

- 11. Installation of less bulky system, flush with the roofline, are preferred.
- 12. Solar panels, tanks and other infrastructure free of the display of any form of private advertising or branding.
- 13. Ensure that installation of solar panels maintains or enhances the structural integrity of the building.
- 14. Place solar panel installations on building elevations, roof planes, or ground locations that respect the landscape and minimize visibility from the street. Appropriate locations include:
  - Rear of the building
  - On new buildings or additions
  - On a single roof plane (avoid multi-plane solutions)
  - Behind architectural features
  - Away from the edge for flat roofs
  - Low to the ground
  - In interior side yards
- 15. Ensure that the installation of panels does not require visible structural modification of the roof.
- 16. Install any necessary frame or structural elements in a reversible (non-permanent) manner. Coordinate the color of these structures to blend with the existing roof color and minimize reflection to neighbours. Roof shingles should be two-toned in a mid-range color to improve energy efficiency in the Okanagan climate. Black roofs are not recommended.



Figure 24: Enhance insulation, particularly in attic and basement spaces.



Figure 25: Place solar panel installations on building elevations, roof planes, or ground locations that respect the landscape and minimize visibility from the street.

17. Consider future technical innovations that may be suitable for a heritage building, such as integrating solar-cell shingles as technology evolves.

### Stormwater Management

Stormwater management practices (techniques or technologies) should be used onsite.

18. Improve runoff quality onsite using best practices, such as draining to vegetation, using permeable paving and/or collect and drain runoff.
19. Redirect downspouts, where feasible, to gardens, grassy areas, and rain barrels.



Figure 26: Improve runoff quality onsite using best practices, such as draining to vegetation, using permeable paving and/or collect and drain runoff.



# Kelowna Heritage Conservation Areas: Draft Development Guidelines

*January 13, 2025*

# Heritage Conservation Areas



# Heritage Conservation Area Review Process

- Phase 1 – Quantitative Review (2021)
- Phase 2 – Qualitative Review and Engagement (2023)
- Phase 3 – Recommendations and Development Guidelines (2024 - 2025)



# Draft HCA Development Guidelines

- Neighbourhood Statement of Significance & Statement of Future Character
- Updated Vision and Objectives



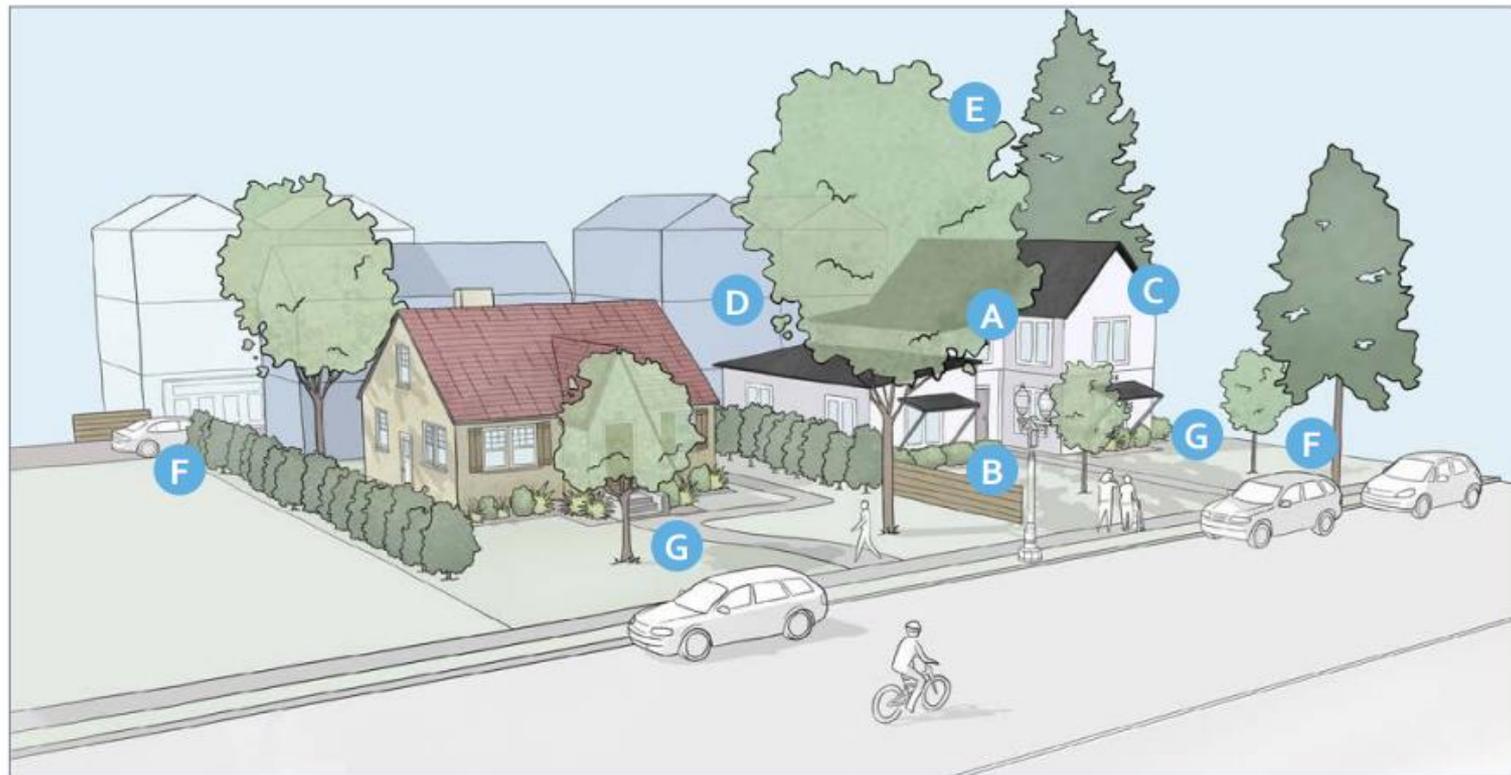
# Draft HCA Development Guidelines

- Contributory properties
- Heritage Conservation Area Precincts



# Draft HCA Development Guidelines

- New housing forms
- Urban tree canopy management



# Next Steps

- Resident and community partner engagement
- Development Guidelines refinement
- OCP Amendment Bylaw Readings and Public Hearing





# Kelowna Heritage Conservation Areas: Draft Development Guidelines

*January 13, 2025*

# Report to Council



**Date:** January 13, 2025  
**To:** Council  
**From:** City Manager  
**Subject:** Amendments to Council Policy No. 390 – Lobbyist Registry  
**Department:** City Clerk

**Recommendation:**

THAT Council receive, for information, the report from the Office of the City Clerk dated January 13, 2025, regarding amendments to Council Policy No. 390 – Lobbyist Registry;

AND THAT Council Policy No. 390 – Lobbyist Registry be amended as set out in the report from the Office of the City Clerk dated January 13, 2025.

**Purpose:**

To approve amendments to Council Policy No. 390 – Lobbyist Registry.

**Background:**

On December 2, 2024, staff delivered a report to Council concerning a review of Council Policy No. 390 – Lobbyist Registry. Drawing on the experience staff have gained administering the Lobbyist Registry in its first year, the report set out a brief list of recommended amendments to improve various aspects of the Policy. Council passed a resolution directing staff to bring forward an amended draft of the Policy for further consideration.

*Previous Council Resolution*

Resolution	Date
<p>THAT Council receive, for information, the report from the Office of the City Clerk dated December 2, 2024, regarding a review of Council Policy No. 390 – Lobbyist Registry;</p> <p>AND THAT Council direct staff to bring forward for Council consideration amendments to Council Policy No. 390 – Lobbyist Registry as set out in the report from the Office of the City Clerk dated December 2, 2024.</p>	<p>December 2, 2024</p>

**Discussion:**

Following Council's direction, staff have prepared an amended draft Policy which implements the recommended amendments summarized below. The purpose of these amendments is to give the Policy an enhanced focus on paid lobbying and lobbying with a personal financial interest at stake, while also streamlining the registration process and promoting greater ease of compliance. Staff have taken the opportunity to make minor textual and formatting improvements to eliminate redundant language and achieve greater consistency with the current Council policy template.

Summary of proposed amendments

<b>Section</b>	<b>Current Policy:</b>	<b>Amended Policy:</b>
Definitions	"Lobbyist" means an individual, whether paid or voluntary, who lobbies an elected official regarding a matter within Council's jurisdiction. The lobbyist may represent individual interests or represent an organization, whether employed by that organization or on behalf of a different organization.	"Lobbyist" means an individual who is paid to lobby on behalf of a business or organization or who lobbies regarding a matter in which the individual has a direct or indirect financial interest.
1 (c)	Each registration is considered active for six months, after which a new registration must be filed for lobbying activities.	Each registration is considered active for one year, after which a new registration must be filed for lobbying activities.
Various	N/A	Minor textual and formatting improvements.

**Conclusion:**

The proposed amendments will strengthen the Policy's focus on its fundamental purpose of promoting transparency and accountability, while simplifying its administrative aspects. Staff will continue to promote compliance with the Policy via education and awareness-raising efforts.

**Considerations applicable to this report:**

**Existing Policy:** [Council Policy No. 390 – Lobbyist Registry](#)

**Considerations not applicable to this report:**

**Legal/Statutory Authority:**

**Legal/Statutory Procedural Requirements:**

**Financial/Budgetary Considerations:**

**Consultation and Engagement:**

**Communications Comments:**

Submitted by:

M. Jud, Deputy City Clerk

**Approved for inclusion:** L. Bentley, City Clerk

**Attachments:**

Attachment 1 – Draft Council Policy No. 390 – Lobbyist Registry

# Council Policy

## Lobbyist Registry

ESTABLISHED September 11, 2023



City of Kelowna  
1435 Water Street  
Kelowna, BC V1Y 1J4  
250 469-8500  
kelowna.ca

Contact Department: Office of the City Clerk

### Guiding Principle

A Lobbyist Registry promotes transparency by establishing registration and disclosure requirements for those seeking to influence a decision of Council. The public can access information about who is attempting to influence Council about development applications and other matters within the City's jurisdiction.

### Purpose

To establish requirements for individuals to register with the City when communicating with members of Council for the purpose of influencing a Council decision and to establish appropriate disclosure provisions for the City to make that information available to the public. The Policy defines applicable lobbying activities, sets parameters for registering, and provides for public access to the Registry.

### Application

Except as set out below, the Policy applies to a lobbyist engaging in lobbying of a Council member.

This policy does not apply to any of the following when acting in their official capacity:

- a) Members of the Senate or House of Commons of Canada or their staff;
- b) Members of the legislative assembly of a province or territory or their staff;
- c) Employees of the government of Canada or of the government of a province or territory;
- d) Members of a municipal council, regional district board, improvement district board, school district board, or other local government authority, or their staff; or
- e) Employees of a municipality, regional district, improvement district, school district, or other local government authority.

This policy does not apply to a verbal or written communication:

- a) Sent to all of Council through Mayor & Council correspondence;
- b) Made as part of a Council meeting, public hearing, committee meeting, or similar proceeding where it is part of the public record;
- c) Regarding a matter that is outside of the City's jurisdiction; or
- d) Made in response to a written request from a Council member or the City of Kelowna for comment on a matter that would otherwise fall under the definition of lobby.

### Definitions:

"Lobby" means to communicate verbally or in writing, or to meet with an elected official for the purpose of influencing a decision of Council.

"Lobbyist" means an individual who is paid to lobby on behalf of a business or organization or who lobbies regarding a matter in which the individual has a direct or indirect financial interest.

"Council member" means a member of Council of the City of Kelowna.

"City Clerk" means the person appointed as such by Council and includes their lawful designate.

"City" means the City of Kelowna.

### Policy Statements

1. A lobbyist must register with the City within five days of lobbying a Council member.
  - a) The City Clerk may determine the appropriate form for registering.
  - b) A separate registration must be filed for each topic.

- c) Each registration is considered active for one year, after which a new registration must be filed for lobbying activities.
2. Each registration must include the following information, as applicable:
  - a) Name;
  - b) Contact information;
  - c) Business or organization name;
  - d) Initial date of lobbying for that registration;
  - e) Topic of lobbying; and
  - f) Any other information deemed necessary by the City Clerk.
3. The City Clerk will establish and maintain a registry with a record of all registrations submitted under this Policy.
  - a) The City Clerk may authorize persons in the Office of the City Clerk to perform any of the City Clerk's duties identified in this Policy.
  - b) The City Clerk may determine the appropriate form for the registry.
  - c) The Lobbyist Registry will be available for public inspection in the manner determined by the City Clerk.
4. Registrations that are incomplete or do not otherwise comply with this Policy may not be accepted.
  - a) The City Clerk will make reasonable efforts to contact individuals whose registrations are not accepted.
  - b) The City Clerk will inform them of the reasons and provide them with an opportunity to file another registration.
5. Those who are subject to the Policy and do not comply will be subject to progressive enforcement, including, but not limited to:
  - a) The City Clerk may contact the individual informing them of their obligations under this Policy and offering the opportunity to come into compliance within 5 days.
  - b) The City Clerk may inform Council of individuals or groups who are not in compliance with the Policy. A Council member may choose not to communicate with an individual or group until they are in compliance.
  - c) For development applications, if the subject property owner, applicant, or their representative is not in compliance with this Policy in relation to that application, Council may not consider their development application until they are in compliance.

### **Amendments**

Resolution:

Replacing: 23/09/11



City of  
**Kelowna**

# Amendments to Council Policy No. 390 - Lobbyist Registry

January 13, 2025

# Background

- ▶ Council direction from December 2, 2024:

Resolution	Date
<p>THAT Council receive, for information, the report from the Office of the City Clerk dated December 2, 2024, regarding a review of Council Policy No. 390 – Lobbyist Registry;</p> <p>AND THAT Council direct staff to bring forward for Council consideration amendments to Council Policy No. 390 – Lobbyist Registry as set out in the report from the Office of the City Clerk dated December 2, 2024.</p>	<p>December 2, 2024</p>

# Recommended Amendments

Section	Current Policy:	Amended Policy:
Definitions	<p>“Lobbyist” means an individual, whether paid or voluntary, who lobbies an elected official regarding a matter within Council’s jurisdiction. The lobbyist may represent individual interests or represent an organization, whether employed by that organization or on behalf of a different organization.</p>	<p>“Lobbyist” means an individual who is paid to lobby on behalf of a business or organization or who lobbies regarding a matter in which the individual has a direct or indirect financial interest.</p>

# Recommended Amendments

Section	Current Policy:	Amended Policy:
1 (c)	Each registration is considered active for six months, after which a new registration must be filed for lobbying activities.	Each registration is considered active for one year, after which a new registration must be filed for lobbying activities.
Various	N/A	Minor textual and formatting improvements.

# Conclusion

- ▶ Amendments will strengthen focus on the Policy's fundamental purpose of promoting transparency and accountability, while simplifying its administrative aspects.
- ▶ Staff will continue to promote compliance with the Policy via education and awareness-raising.



*Questions?*

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

# CITY OF KELOWNA

## Security Alarm Systems Bylaw No. 12730

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WHEREAS the *Community Charter*, Section 8, enables a municipality to provide a service in relation to fire alarm systems and security alarm systems;

AND WHEREAS Section 196 allows a municipality to impose fees in response to a false alarm of a security alarm system;

AND WHEREAS Section 258 allows a municipality to collect false alarm fees in the same manner as property taxes;

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

1. Security Alarm Systems Bylaw No. 9147 is hereby repealed.
2. This Bylaw may be cited as "Security Alarm Systems Bylaw No. 12730".

### Part 1 - Interpretation

3. If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.
4. The headings contained in this Bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this Bylaw.
5. Schedule 'A' Fees is attached to and forms part of this Bylaw.

### Part 2 - Definitions

6. In this Bylaw:

"Commercial" means a **Security Alarm Site** that is used for an occupation, employment or enterprise activity carried on for gain or monetary profit. Includes a multi-unit building in which individual units are not independently alarmed.

"Enhanced Call Verification" means a **Security Alarm System Company** must ensure that at least one **Security Alarm System User** or **Keyholder** has been notified of an **Intrusion Alarm** and must confirm that multiple (two or more) security zones or breaches are activated prior to making a **Reported Alarm Request**.

"False Alarm Administrator" means the position appointed by the City to administer a provision of this Bylaw.

"False Alarm" means a **Reported Alarm** where there is no evidence that an unauthorized entry or unlawful act has been attempted or made into, on or in respect of a building, structure or premises and includes, but is not limited to:

- (a) the activation of a **Security Alarm System** during its testing;
- (b) a **Security Alarm System** activated by mechanical failure, malfunction, or faulty equipment;
- (c) a **Security Alarm System** activated by atmospheric conditions, vibrations, or power failure; or
- (d) a **Security Alarm System** activated by user error.

"False Alarm Notice" means a notice in writing sent to **Security Alarm System Users** or Security Alarm Companies when a **False Alarm** is activated on a permitted premises.

"Intrusion Alarm" means an alarm that gives warning to the presence of an intruder.

"Keyholder" means an alternate individual designated by the **Security Alarm System User** who can be contacted in the event of a **Reported Alarm** who has access to the **Security Alarm Site** and are able to operate and verify the alarm.

"Notice of Fees" means a notice or invoice, in writing, stating that a fee of an amount specified is to be charged to **Security Alarm System Users** or Security Alarm Companies when a **False Alarm** is activated, and a **Police Service** is called to respond.

"Operational Communications Center" or "OCC" means an operator who receives a call from 9-1-1 and makes a **Reported Alarm Request** to a **Police Service**.

"Panic Alarm" means Hold up, Duress, or **Intrusion Alarm** being a silent or audible alarm that a **Security Alarm System User** generates by manually activating a device (button, floor pedal, key fob, or pendant) during an emergency when unable to dial 911 due to a robbery in progress or being physically threatened or accosted with imminent harm or death and will result in a heightened response from a **Police Service**.

"Police Service" means the Royal Canadian Mounted Police (RCMP) or police of jurisdiction. The RCMP is responsible for ensuring public safety by providing quality and timely service and protection to citizens and their properties to Panic and **Verified Alarm** calls.

"Reported Alarm" means the contact made to a **Police Service** by any **Security Alarm System Company** or **Security Alarm System User** responsible for the protection of their or a client's property, personnel, or personal well-being.

"Reported Alarm Request" means a call or notification to the **OCC** requesting a **Police Service** response.

"Residential" means a **Security Alarm Site** that is predominately used for a person's living accommodation, including a single-family residence, individual strata or apartment unit, or mobile home.

"Security Alarm Site" means the physical location where the **Security Alarm System** is located.

"Security Alarm System" means a device that gives audible, visual or other form of alarm signal about a problem or condition of a **Security Alarm Site** either self-monitored or monitored by a **Security Alarm System Company**. A Security Alarm System does not include an alarm installed in a vehicle or a personal security device.

"Security Alarm System Company" means a person or company that installs or monitors a **Security Alarm System**.

"Security Alarm System Permit" means a permit issued pursuant to Part 3 Section 7 of this Bylaw.

"Security Alarm System Permit Fee" means a fee that a **Security Alarm System User** pays on a biennial basis to obtain a **Security System Alarm Permit**.

"Security Alarm System User" includes a person who owns or operates a **Security Alarm System**.

"Verified Alarm" means an alarm where a potential criminal offence may be occurring or has occurred as determined by, but not limited to, an eyewitness, real-time video observation or two or more zones being activated.

#### Part 3 - Alarm Permit Requirements

7. A **Security Alarm System User** of an active **Security Alarm System** must register and pay the New **Security Alarm System Permit** Registration Fee, and the **Security Alarm System Permit** Renewal Fees as set out in Schedule 'A' of this Bylaw.
8. A person will not cause, allow, or permit the occurrence of a **False Alarm**.
9. A **Security Alarm System Permit Fee** is not refundable.
10. A **Security Alarm System Permit** issued under this Bylaw is valid for two (2) years commencing from the date of issuance.
11. A **Security Alarm System User** cannot transfer a **Security Alarm System Permit** to a person or a property.
12. A **Security Alarm System User** must notify the **False Alarm Administrator** within thirty (30) days from when:
  - a) the **Security Alarm System** is not active, or
  - b) the **Security Alarm System** is not under the control of that person or company.

#### Part 4 – Alarm Dispatch Request Requirements

13. Prior to making a **Reported Alarm Request** to the **Police Service**, the **Security Alarm System User** or **Security Alarm System Company** must follow the **Enhanced Call Verification** procedure.
14. With every **Reported Alarm Request** to the **Police Service**, the **Security Alarm System User** or **Security Alarm System Company** must provide the following information:
  - a) **Security Alarm System Permit** number;

- b) Description regarding the time, location, and type of signal from the **Security Alarm Site**; and
- c) Responsible Parties' contact information.

15. A **Panic Alarm** is exempt from Sections 13 and 14 of this Bylaw.

16. Liability. Registration of a **Security Alarm System** is not intended to, nor will it, create a contract, duty, or obligation, either expressed or implied, of response. All liability and consequential damage resulting from the failure to respond to a **Reported Alarm** is hereby disclaimed and governmental immunity as provided by law is retained.

Part 5 - The Responsibilities of a **Security Alarm System Company**

17. The **Security Alarm System Company** must provide the **Security Alarm System User** with a copy of this Bylaw and all alarm permit requirements as set out in Part 3 of this Bylaw.

18. A **Security Alarm System** that has more than one (1) **False Alarm** in a twelve (12) month period commencing from the date of issuance of the **Security Alarm System User** will be subject to a fee as set out in Schedule 'A' of this Bylaw.

Part 6 - Penalties

19. A person who violates a provision of this Bylaw, or who suffers or allows an act or thing to be done in contravention or in violation of a provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by a provision of this Bylaw, is guilty of an offence under this Bylaw and liable to a monetary penalty as per this Bylaw.

a) Each day a violation of the provision of this Bylaw exists or is permitted to exist will constitute a separate offence.

20. A **Security Alarm System User** or **Security Alarm System Company** who receives a **Notice of Fees** must:

a) pay a fee in accordance with this Bylaw, or

b) make a request, in writing, to the **False Alarm Administrator** to dispute a fee in respect of the allegation, no more than ninety (90) days after the date of the **False Alarm Notice** and associated invoice.

Part 7 - Unpaid Fee Forms Part of Taxes in Arrears

21. Pursuant to the provisions of the *Community Charter*, a fee required to be paid by this Bylaw which remains unpaid after December 31 of the calendar year, will be added to and form part of the property taxes in arrears on the subject property.

22. 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 9<sup>th</sup> day of December, 2024.

Adopted by the Municipal Council of the City of Kelowna this

\_\_\_\_\_  
Mayor

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

## SCHEDULE 'A' Fees

a) **New Security Alarm System Permit Registration Fees** (Valid for two years)

<b>Residential Security Alarm System Permit</b>	\$40
<b>Commercial Security Alarm System Permit</b>	\$80

b) **Security Alarm System Permit Renewal Fees** (Biennially)

<b>Residential Security Alarm System Permit</b>	\$30
<b>Commercial Security Alarm System Permit</b>	\$60
<b>Security Alarm System User</b> must reapply for a <b>Security Alarm System Permit</b> and pay the registration fee once permits are expired.	

c) **False Alarm Fee with Security Alarm System Permit**

	<b>1<sup>st</sup> False Alarm</b>	<b>2<sup>nd</sup> False Alarm</b>	<b>3<sup>rd</sup> False Alarm</b>	<b>4<sup>th</sup> or subsequent False Alarms</b>
<b>Residential</b>	\$0	\$100	\$200	\$300
<b>Commercial</b>	\$0	\$200	\$400	\$600
Number of <b>False Alarm</b> counts will reset annually on anniversary date.				

d) **False Hold-up, Duress or Panic Alarm Fee with Security Alarm System Permit**

	<b>1<sup>st</sup> False Alarm</b>	<b>2<sup>nd</sup> False Alarm</b>	<b>3<sup>rd</sup> False Alarm</b>	<b>4<sup>th</sup> or subsequent False Alarms</b>
<b>Residential</b>	\$100	\$200	\$400	\$600
<b>Commercial</b>	\$200	\$400	\$800	\$1,200
Number of <b>False Alarm</b> counts will reset annually on anniversary date.				

e) **All Reported Alarm calls to OCC without a valid Security Alarm System Permit**

	<b>1<sup>st</sup> Reported Alarm</b>	<b>2<sup>nd</sup> Reported Alarm</b>	<b>3<sup>rd</sup> Reported Alarm or subsequent Reported Alarm</b>
<b>Residential</b>	\$100	\$200	\$300
<b>Commercial</b>	\$200	\$400	\$600

- f) **False Alarm** caused by a **Security Alarm System Company** (Part 3, Section 8)..... \$200.00
- g) Failure to complete **Enhanced Call Verification** (Part 4, Section 13) ..... \$200.00
- h) Failure to provide alarm dispatch request requirements (Part 4, Section 14) ..... \$200.00
- i) **Security Alarm System Company** not informing the **Security Alarm System User** of the requirements of this Bylaw (Part 5, Section 17) ..... \$200.00
- j) **Security Alarm System Company** fee for a **Security Alarm System** that has more than four (4) **False Alarms** (Part 5, Section 19)..... \$600.00