

City of Kelowna

Public Hearing

AGENDA



Tuesday, August 15, 2017
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

1. (a) The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend *Kelowna 2030* - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

(b) All persons who believe that their interest in property is affected by the proposed bylaws shall be afforded a reason-able opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of this hearing. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

(c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after August 2, 2017 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

(d) Council debate on the proposed bylaws is scheduled to take place during the Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached tonight.

(e) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Public Hearing.

2. Notification of Meeting

The City Clerk will provide information as to how the Hearing was publicized.

3. Individual Bylaw Submissions

3.1	TA16-0002 (BL11440) - General Housekeeping Amendments to Zoning Bylaw No. 8000	4 - 17
	To consider general housekeeping amendments to the Zoning Bylaw 8000.	
3.2	4264 Lakeshore Rd, Z17-0037 (BL11444) - Joseph Crosara & Elizabeth Shelton	18 - 31
	To rezone the subject property from RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to facilitate a two lot residential subdivision.	
3.3	2355 Acland Rd and 333 Penno Rd, Z17-0061 (BL11446) - o837937 BC Ltd	32 - 36
	To rezone portions of the subject properties from I1 – Business Industrial to I2 – General Industrial to facilitate the construction of two new industrial buildings.	
3.4	(W of) Loseth Dr, OCP17-0016 (BL11447)- City of Kelowna	37 - 41
	To amend the Official Community Plan to change the future land use designation to PARK – Major Park / Open Space (Public) for the entirety of the property.	
3.5	1330 & 1340 Mine Hill Dr, OCP17-0013 (BL11448) & Z16-0079 (BL11449) - Starland Development Company Ltd	42 - 50
	To amend the Official Community Plan to change the future land use designation and to rezone the subject property to facilitate a six lot residential subdivision.	
3.6	482 Clifton Rd, LUC17-0001 (BL11450) - Dennis & Denise Campbell	51 - 69
	To discharge the Land Use Contract LUC76-1087 from the subject parcel to facilitate subdivision of one lot into two lots.	

4. Termination

5. Procedure on each Bylaw Submission

- (a) Brief description of the application by City Staff (Land Use Management);
- (b) The Chair will request that the City Clerk indicate all information, correspondence, petitions or reports received for the record.
- (c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.
- (d) The Chair will call for representation from the public in attendance as follows:
 - (i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.
 - (ii) The Chair will recognize ONLY speakers at the podium.
 - (iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have

additional information they may address Council again after all other members of the public have been heard a first time.

(e) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.

(f) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

(g) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

REPORT TO COUNCIL



Date: July 24, 2017
RIM No. 1250-04
To: City Manager
From: Lindsey Ganczar, Community Planning Supervisor
Application: TA16-0002
Subject: Zoning Bylaw 8000 Amendments (General Housekeeping)

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA16-0002 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Community Planning Department dated June 24, 2017 be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration.

2.0 Purpose

To consider general housekeeping amendments to the Zoning Bylaw 8000.

3.0 Community Planning

In order to provide customers with accurate information, and while striving for service excellence, the Community Planning Department has created a process where Zoning Bylaw housekeeping amendments will be regularly forwarded to City Council for consideration. These text amendments consist of:

- Ensuring the Bylaw remains consistent with other City policies;
- Keeping the Bylaw language up-to-date;
- Correcting errors and inconsistencies; and
- Adapting to changes in the community.

Housekeeping amendments typically do not include regulation changes, therefore a summary table of the proposed amendments is attached to the report for review. However, when regulation changes are proposed, supporting rationale will be outlined in the report.

This particular report includes policy alignment, text corrections, and land use location updates.

The land use location updates include adding *Supportive Housing* to the C10 – Service Commercial and P2 – Education and Minor Institutional zones, and *Temporary Shelter Services* to the C3 – Community Commercial, C9 – Tourist Commercial, C10 – Service Commercial, I2 – General Industrial, I4 – Central Industrial, and P2 – Education and Minor Institutional zones.

Staff is proposing to allow these uses in additional zones for more development opportunity, and for the re-use of vacant, existing buildings. The specific zones have been carefully selected keeping in mind that the existing uses in each zone benefit *Supportive Housing* and *Temporary Shelter Services*, and allow them to easily integrate into the community. Each zone was also chosen while recognizing that *Supportive Housing* is a more residential or educational type use (such a group home), and *Temporary Shelter Services* is a more commercial type use (such as hostel).

Report prepared by:

Lindsey Ganczar, Community Planning Supervisor

Reviewed by:



Ryan Smith, Community Planning Department Manager



Doug Gilchrist, Community Planning & Strategic Investments
Divisional Director

Attachments:

Schedule 'A' – Summary table of proposed text amendments to Zoning Bylaw 8000

SCHEDULE 'A' - General housekeeping amendments to Zoning Bylaw 8000
TA16-0002

Zoning Bylaw No. 8000				
No.	Section	Existing Text	Proposed Text	Rationale
1	Section 2.3.3 – General Definitions	AUTOMOTIVE RENTALS means an establishment where new and used vehicles are rented and may also include the sales and servicing of vehicles as ancillary uses.	Delete.	- This definition is no longer used in the Bylaw and the use has been captured by the AUTOMOTIVE AND MINOR RECREATION VEHICLE SALES/RENTALS definition.
2	Section 2.3.3 – General Definitions	PERSONAL SERVICE ESTABLISHMENTS means uses which provide personal services to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects. Typical uses include but are not limited to barber shops, hairdressers, manicurists, tailors, dress makers, shoe repair shops, dry cleaning establishments, and laundries but does not include health services .	PERSONAL SERVICE ESTABLISHMENTS means uses which provide personal services to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects. Typical uses include but are not limited to barber shops, hairdressers, manicurists, tailors, dress makers, shoe repair shops, dry cleaning establishments, and laundromats but does not include health services .	- Updating use definition.
3	Section 2.3.3 – General Definitions	RETAIL STORE – CONVENIENCE means development used for the retail sale of those goods required by area residents (including tourists temporarily resident in a neighbourhood) and employees on a day to day basis, from business premises which do not exceed 235 m2 in gross floor area . Typical uses include but are not necessarily limited to: small food stores, drug stores, florists, or variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical items, personal care items, hardware, printed matter, seasonal or tourism related rentals or the rental of videos. This use does not include the retail sale or dispensing of marihuana. In the W2 Zone, this includes items normally required by people using marina facilities, but does not include the rental of personal watercraft or rental of automobiles.	RETAIL STORE, CONVENIENCE means development used for the retail sale of those goods required by area residents (including tourists temporarily resident in a neighbourhood) and employees on a day to day basis, from business premises which do not exceed 235 m2 in gross floor area . Typical uses include but are not necessarily limited to: small food stores, drug stores, florists, or variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical items, personal care items, hardware, printed matter, seasonal or tourism related rentals or the rental of videos. This use does not include the retail sale or dispensing of marihuana. In the W2 Zone, this includes items normally required by people using marina facilities, but does not include the rental of personal watercraft or rental of automobiles.	- Updating use name.

Zoning Bylaw No. 8000

No.	Section	Existing Text	Proposed Text	Rationale
4	Section 2.3.3 – General Definitions	None.	URBAN RESIDENTIAL ZONES are any zones described in Section 13 of this Bylaw or any CD zone in which the predominant use, as determined by its general purpose and list of permitted uses, is of an urban residential nature.	- New definition.
5	Section 7.6.1 (e) – Minimum Landscape Buffers	Level 5: a landscape buffer is required for all land abutting ALR land where non-farm uses exist. The minimum buffer shall be 3.0m wide and include an opaque barrier immediately adjacent to the boundary(s) abutting the ALR on the urban side of the property. This standard may be replaced or modified as a result of conditions of a decision by the Land Reserve Commission . The buffer area shall not be included in the required setback for Rural and Urban Residential zones .	Level 5: a landscape buffer is required for all land abutting ALR land where non-farm uses exist. The minimum buffer shall be 3.0m wide and include an opaque barrier immediately adjacent to the boundary(s) abutting the ALR on the urban side of the property. This standard may be replaced or modified as a result of conditions of a decision by the Agricultural Land Commission . The buffer area shall be in addition to the required setback for Rural and Urban Residential zones .	- Updating Commission name. - Policy alignment.
6	Section 11.1.3 – Secondary Uses (A1 zone)	The secondary uses in this zone are: (a) agricultural dwellings, additional (b) agri-tourism (c) agri-tourist accommodation (A1t only) (d) animal clinics, major (e) animal clinics, minor (f) bed and breakfast homes (g) care centres, intermediate (h) carriage house (A1c only) (i) forestry (j) group homes, minor (k) home based businesses, major (l) home based businesses, minor (m) home based businesses, rural (n) kennels and stables (o) secondary suite (p) wineries and cideries	The secondary uses in this zone are: (a) agricultural dwellings, additional (b) agri-tourism (c) agri-tourist accommodation (A1t only) (d) animal clinics, major (e) animal clinics, minor (f) bed and breakfast homes (g) child care centre, minor (h) carriage house (A1c only) (i) forestry (j) group homes, minor (k) home based businesses, major (l) home based businesses, minor (m) home based businesses, rural (n) kennels and stables (o) secondary suite (p) wineries and cideries	- Updating use name.
7	RU7 (no section number)	RU7 – Infill Housing 1.1 Purpose The purpose is to provide a zone for infill development of a maximum of four dwelling units on selected properties with lane access in the	13.17 RU7 – Infill Housing 13.17.1 Purpose The purpose is to provide a zone for infill development of a maximum of four dwelling units on selected properties with lane access in the	The RU7 zone was not assigned a section number in the Bylaw at the time of adoption, and was placed at the end of Section 13 (out of order).

Zoning Bylaw No. 8000

No.	Section	Existing Text	Proposed Text	Rationale
		<p>central city.</p> <p>1.2 Permitted Uses The permitted principal uses in this zone are:</p> <p>(a) agriculture, urban (b) community garden (c) single dwelling housing (d) two dwelling housing (e) three dwelling housing (f) four dwelling housing</p> <p>1.3 Secondary Uses The permitted secondary uses in this zone are:</p> <p>(a) child care centre, minor (b) group homes, minor (c) home based businesses, minor (d) secondary suite</p> <p>1.4 Buildings and Structures Permitted</p> <p>(a) one single detached house which may contain a secondary suite (b) duplex housing (c) semi-detached housing (d) two single detached houses which may contain secondary suites (e) three-plex housing (f) four-plex housing (g) permitted accessory buildings or structures</p> <p>NOTE: A maximum of four dwelling units are permitted, as allowed by Section 1.7 Density Regulations.</p> <p>1.5 Subdivision Regulations</p> <p>(a) The minimum lot width is 7.5 m, except it is 9.5 m for a corner lot. (b) The minimum lot depth is 37.0 m. (c) The minimum lot area is 277.5 m², except it is</p>	<p>central city.</p> <p>13.17.2 Permitted Uses The permitted principal uses in this zone are:</p> <p>(a) agriculture, urban (b) community garden (c) single dwelling housing (d) two dwelling housing (e) three dwelling housing (f) four dwelling housing</p> <p>13.17.3 Secondary Uses The permitted secondary uses in this zone are:</p> <p>(a) child care centre, minor (b) group homes, minor (c) home based businesses, minor (d) secondary suite</p> <p>13.17.4 Buildings and Structures Permitted</p> <p>(a) one single detached house which may contain a secondary suite (b) duplex housing (c) semi-detached housing (d) two single detached houses which may contain secondary suites (e) three-plex housing (f) four-plex housing (g) permitted accessory buildings or structures</p> <p>NOTE: A maximum of four dwelling units are permitted, as allowed by Section 1.7 Density Regulations.</p> <p>13.17.5 Subdivision Regulations</p> <p>(a) The minimum lot width is 7.5 m, except it is 9.5 m for a corner lot. (b) The minimum lot depth is 37.0 m. (c) The minimum lot area is 277.5 m², except it is</p>	<p>The RU7 zone shall follow the RU6 zone, and, being the newest zone in Section 13, shall be given section number 13.17.</p> <p>The Table of Contents shall be updated to reflect the new section and page numbers in Section 13.</p>

Zoning Bylaw No. 8000

No.	Section	Existing Text	Proposed Text	Rationale
		<p>350 m2 for a corner lot.</p> <p>1.6 Development Regulations</p> <p>(a) The maximum site coverage is 45% and together with accessory buildings, driveways and parking areas, shall not exceed 55%.</p> <p>(b) The maximum floor area ratio is 0.8.</p> <p>(c) The maximum height for residential buildings is the lesser of 8.0m or 2 storeys.</p> <p>(d) The maximum height for accessory buildings or structures is 4.8m.</p> <p>(e) The minimum site front yard is 4.0 m.</p> <p>(f) The minimum site side yard is 1.2 m except it is 3.0 m from a flanking street. For lots 17.0m or wider, the minimum site side yard is increased to 2.0 m.</p> <p>i. Side yards are not required for semi-detached housing on a lot line that has a party wall.</p> <p>(g) The minimum site rear yard is 0.9 m.</p> <p>(h) Detached dwelling units must be separated by a minimum distance of 2.0 m.</p> <p>1.7 Density Regulations</p> <p>(a) Residential density shall be based on the width of the lot.</p> <p>(b) For lots narrower than 13.5 m in width, up to two dwellings are permitted.</p> <p>(c) For lots between 13.5 m and 15.0 m in width, up to three dwellings are permitted.</p> <p>(d) For lots greater than 15.0 m wide, four dwellings are permitted.</p> <p>1.8 Other Regulations</p> <p>(a) Minor group homes are only permitted in single detached housing.</p> <p>(b) Vehicular access is only permitted from the lane, except for where a property has two street frontages, where access may be taken from the street frontage which is not the</p>	<p>350 m2 for a corner lot.</p> <p>13.17.6 Development Regulations</p> <p>(a) The maximum site coverage is 45% and together with accessory buildings, driveways and parking areas, shall not exceed 55%.</p> <p>(b) The maximum floor area ratio is 0.8.</p> <p>(c) The maximum height for residential buildings is the lesser of 8.0m or 2 storeys.</p> <p>(d) The maximum height for accessory buildings or structures is 4.8m.</p> <p>(e) The minimum site front yard is 4.0 m.</p> <p>(f) The minimum site side yard is 1.2 m except it is 3.0 m from a flanking street. For lots 17.0m or wider, the minimum site side yard is increased to 2.0 m.</p> <p>i. Side yards are not required for semi-detached housing on a lot line that has a party wall.</p> <p>(g) The minimum site rear yard is 0.9 m.</p> <p>(h) Detached dwelling units must be separated by a minimum distance of 2.0 m.</p> <p>13.17.7 Density Regulations</p> <p>(a) Residential density shall be based on the width of the lot.</p> <p>(b) For lots narrower than 13.5 m in width, up to two dwellings are permitted.</p> <p>(c) For lots between 13.5 m and 15.0 m in width, up to three dwellings are permitted.</p> <p>(d) For lots greater than 15.0 m wide, four dwellings are permitted.</p> <p>13.17.8 Other Regulations</p> <p>(a) Minor group homes are only permitted in single detached housing.</p> <p>(b) Vehicular access is only permitted from the lane, except for where a property has two street frontages, where access may be taken from the street frontage which is not the</p>	

Zoning Bylaw No. 8000

No.	Section	Existing Text	Proposed Text	Rationale
		front yard. (c) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 6 (accessory development, yards, projections into yards, lighting, stream protection, etc.), the landscaping and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific use regulations of Section 9.	front yard. (c) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 6 (accessory development, yards, projections into yards, lighting, stream protection, etc.), the landscaping and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific use regulations of Section 9.	
8	Section 13.14.4 – Secondary Uses (RH1 zone)	(c) bed and breakfast homes (d) care centres, minor (e) group homes, minor (f) home based businesses, major (g) home based businesses, minor (h) secondary suite	The secondary uses in this zone are: (a) bed and breakfast homes (b) child care centre, minor (c) group homes, minor (d) home based businesses, major (e) home based businesses, minor (f) secondary suite	- Updating use name.
9	Section 13.15.4 – Secondary Uses (RH2 zone)	(a) bed and breakfast homes (b) care centres, minor (c) group homes, minor (d) home based businesses, major (e) home based businesses, minor (f) secondary suites	The secondary uses in this zone are: (a) bed and breakfast homes (b) child care centre, minor (c) group homes, minor (d) home based businesses, major (e) home based businesses, minor (f) secondary suites	- Updating use name.
10	Section 13.16.4 – Secondary Uses (RH3 zone)	(a) home based businesses, minor (b) care centres, minor (c) group homes, minor (d) multi-residential shared gardens (e) secondary suites	The secondary uses in this zone are: a) home based businesses, minor (b) child care centre, minor (c) group homes, minor (d) multi-residential shared gardens (e) secondary suites	- Updating use name.

Zoning Bylaw No. 8000

No.	Section	Existing Text	Proposed Text	Rationale
11	Section 14.3.2 – Principal Uses (C₃ zone)	<p>The principal uses in this zone are:</p> <ul style="list-style-type: none"> (a) amusement arcades, major (b) animal clinics, minor (c) breweries and distilleries, minor (d) broadcasting studios (e) business support services (f) child care centre, major (g) commercial schools (h) community garden (i) custom indoor manufacturing (j) emergency and protective services (k) financial services (l) food primary establishment (m) gas bars (n) government services (o) group homes, major (p) health services (q) hotels (r) liquor primary establishment, major (C₃lp and C₃lp/rls only) (s) liquor primary establishment, minor (t) motels (u) non-accessory parking (v) offices (w) participant recreation services, indoor (x) personal service establishments (y) private clubs (z) recycled materials drop-off centres (aa) religious assemblies (bb) retail liquor sales establishment (C₃lp and C₃lp/rls only) (cc) retail stores, convenience (dd) retail stores, general (ee) service stations, minor (ff) spectator entertainment establishments (gg) supportive housing (hh) temporary parking lot (ii) used goods stores (jj) utility services, minor impact 	<p>The principal uses in this zone are:</p> <ul style="list-style-type: none"> (a) amusement arcades, major (b) animal clinics, minor (c) breweries and distilleries, minor (d) broadcasting studios (e) business support services (f) child care centre, major (g) commercial schools (h) community garden (i) custom indoor manufacturing (j) emergency and protective services (k) financial services (l) food primary establishment (m) gas bars (n) government services (o) group homes, major (p) health services (q) hotels (r) liquor primary establishment, major (C₃lp and C₃lp/rls only) (s) liquor primary establishment, minor (t) motels (u) non-accessory parking (v) offices (w) participant recreation services, indoor (x) personal service establishments (y) private clubs (z) recycled materials drop-off centres (aa) religious assemblies (bb) retail liquor sales establishment (C₃lp and C₃lp/rls only) (cc) retail stores, convenience (dd) retail stores, general (ee) service stations, minor (ff) spectator entertainment establishments (gg) supportive housing (hh) temporary parking lot (ii) temporary shelter services (jj) used goods stores (kk) utility services, minor impact 	<p>- Adding to the zones in the Bylaw in which this use is compatible for better integration into the community.</p>

Zoning Bylaw No. 8000

No.	Section	Existing Text	Proposed Text	Rationale
12	Section 14.9.2 – Principal Uses (C9 zone)	<p>The principal uses in this zone are:</p> <ul style="list-style-type: none"> (a) amusement arcades, major (b) amusement establishments, outdoor (c) apartment hotels (d) boat storage (e) community garden (f) hotels (g) motels (h) participant recreation services, indoor (i) tourist campsites 	<p>The principal uses in this zone are:</p> <ul style="list-style-type: none"> (a) amusement arcades, major (b) amusement establishments, outdoor (c) apartment hotels (d) boat storage (e) community garden (f) hotels (g) motels (h) participant recreation services, indoor (i) temporary shelter services (j) tourist campsites 	<p>- Adding to the zones in the Bylaw in which this use is compatible for better integration into the community.</p>
13	Section 14.10.2 – Principal Uses (C10 zone)	<p>The principal uses in this zone are:</p> <ul style="list-style-type: none"> (a) animal clinics, major (b) animal clinics, minor (c) amusement arcades, major (d) automotive and minor recreation vehicle sales/rentals (e) automotive and equipment repair shops (f) auctioneering establishments (g) bingo facilities (h) breweries and distilleries, minor (i) broadcasting studios (j) business support services (k) child care centre, major (l) commercial schools (m) commercial storage (n) community garden (o) community recreation services (p) convenience vehicle rentals (q) equipment rentals (r) emergency and protective services (s) flea markets (t) fleet services (u) food primary establishment (v) funeral services (w) gas bars (x) government agencies (y) greenhouses and plant nurseries (z) household repair services (aa) liquor primary establishment, major (C10lp) 	<p>The principal uses in this zone are:</p> <ul style="list-style-type: none"> (a) animal clinics, major (b) animal clinics, minor (c) amusement arcades, major (d) automotive and minor recreation vehicle sales/rentals (e) automotive and equipment repair shops (f) auctioneering establishments (g) bingo facilities (h) breweries and distilleries, minor (i) broadcasting studios (j) business support services (k) child care centre, major (l) commercial schools (m) commercial storage (n) community garden (o) community recreation services (p) convenience vehicle rentals (q) equipment rentals (r) emergency and protective services (s) flea markets (t) fleet services (u) food primary establishment (v) funeral services (w) gas bars (x) government agencies (y) greenhouses and plant nurseries (z) household repair services (aa) liquor primary establishment, major (C10lp) 	<p>- Adding to the zones in the Bylaw in which these uses are compatible for better integration into the community.</p>

Zoning Bylaw No. 8000

No.	Section	Existing Text	Proposed Text	Rationale
		<p>and C10lp/rls only) (bb) non-accessory parking (cc) offices, construction and development industry (dd) participant recreation services, indoor (ee) pawnshop (ff) private clubs (gg) rapid drive-through vehicle services (hh) recycled materials drop-off centres (ii) retail stores, service commercial (jj) service stations, minor (kk) temporary parking lot (ll) thrift stores (mm) truck and mobile home sales/rentals (nn) used goods stores (oo) utility services, minor impact (pp) vehicle and equipment sales/rentals, industrial (qq) vehicle and equipment services, industrial (rr) warehouse sales</p>	<p>and C10lp/rls only) (bb) non-accessory parking (cc) offices, construction and development industry (dd) participant recreation services, indoor (ee) pawnshop (ff) private clubs (gg) rapid drive-through vehicle services (hh) recycled materials drop-off centres (ii) retail stores, service commercial (jj) service stations, minor (kk) supportive housing (ll) temporary parking lot (mm) temporary shelter services (nn) thrift stores (oo) truck and mobile home sales/rentals (pp) used goods stores (qq) utility services, minor impact (rr) vehicle and equipment sales/rentals, industrial (ss) vehicle and equipment services, industrial (tt) warehouse sales</p>	
14	Section 15.2.2 – Principal Uses (Iz zone)	<p>The principal uses in this zone are:</p> <p>(a) analytical testing (b) animal clinics, major (c) auctioneering establishments (d) automotive and equipment repair shops (e) automotive and minor recreation vehicle sales/rentals (f) breweries and distilleries, major (g) breweries and distilleries, minor (h) bulk fuel depots (i) commercial storage (j) contractor services, general (k) contractor services, limited (l) convenience vehicle rentals (m) custom indoor manufacturing (n) emergency and protective services (o) equipment rentals (p) fleet services (q) food primary establishment</p>	<p>The principal uses in this zone are:</p> <p>(a) analytical testing (b) animal clinics, major (c) auctioneering establishments (d) automotive and equipment repair shops (e) automotive and minor recreation vehicle sales/rentals (f) breweries and distilleries, major (g) breweries and distilleries, minor (h) bulk fuel depots (i) commercial storage (j) contractor services, general (k) contractor services, limited (l) convenience vehicle rentals (m) custom indoor manufacturing (n) emergency and protective services (o) equipment rentals (p) fleet services (q) food primary establishment</p>	<p>- Adding to the zones in the Bylaw in which this use is compatible for better integration into the community.</p>

Zoning Bylaw No. 8000

No.	Section	Existing Text	Proposed Text	Rationale
		(r) gas bars (s) general industrial uses (t) household repair services (u) liquor primary establishment, minor (v) medical marihuana production facilities (w) outdoor storage (x) participant recreation services, indoor (y) private clubs (z) rapid drive-through vehicle services (aa) recycling depots (bb) recycled materials drop-off centres (cc) service stations, minor (dd) service stations, major (ee) truck and mobile home sales/rentals (ff) utility services, minor impact (gg) vehicle and equipment services, industrial (hh) warehouse sales	(r) gas bars (s) general industrial uses (t) household repair services (u) liquor primary establishment, minor (v) medical marihuana production facilities (w) outdoor storage (x) participant recreation services, indoor (y) private clubs (z) rapid drive-through vehicle services (aa) recycling depots (bb) recycled materials drop-off centres (cc) service stations, minor (dd) service stations, major (ee) temporary shelter services (ff) truck and mobile home sales/rentals (gg) utility services, minor impact (hh) vehicle and equipment services, industrial (ii) warehouse sales	
15	Section 15.4.2 – Principal Uses (I4 zone)	The principal uses in this zone are: (a) analytical testing (b) animal clinics, major (c) auctioneering establishments (d) automotive and equipment repair shops (e) automotive and minor recreation vehicle sales/rentals (f) breweries and distilleries, major (g) breweries and distilleries, minor (h) broadcasting studios (i) bulk fuel depots (j) child care centre, major (k) concrete and asphalt plants (l) contractor services, limited (m) contractor services, general (n) custom indoor manufacturing (o) equipment rentals (p) fleet services (q) food primary establishment (r) gas bars (s) general industrial uses (t) industrial high technology research and product design (u) liquor primary establishment, minor	The principal uses in this zone are: (a) analytical testing (b) animal clinics, major (c) auctioneering establishments (d) automotive and equipment repair shops (e) automotive and minor recreation vehicle sales/rentals (f) breweries and distilleries, major (g) breweries and distilleries, minor (h) broadcasting studios (i) bulk fuel depots (j) child care centre, major (k) concrete and asphalt plants (l) contractor services, limited (m) contractor services, general (n) custom indoor manufacturing (o) equipment rentals (p) fleet services (q) food primary establishment (r) gas bars (s) general industrial uses (t) industrial high technology research and product design (u) liquor primary establishment, minor	- Adding to the zones in the Bylaw in which this use is compatible for better integration into the community.

Zoning Bylaw No. 8000

No.	Section	Existing Text	Proposed Text	Rationale
		(v) medical marihuana production facilities (w) mobile catering food services (x) non- accessory parking (y) participant recreation services, indoor (z) pawnshop (aa) private clubs (bb) rapid drive-through vehicle services (cc) recycled materials drop-off centres (dd) service stations, major (ee) service stations, minor (ff) temporary parking lot (gg) utility services, minor impact (hh) warehouse sales	(v) medical marihuana production facilities (w) mobile catering food services (x) non- accessory parking (y) participant recreation services, indoor (z) pawnshop (aa) private clubs (bb) rapid drive-through vehicle services (cc) recycled materials drop-off centres (dd) service stations, major (ee) service stations, minor (ff) temporary parking lot (gg) temporary shelter services (hh) utility services, minor impact (ii) warehouse sales	
16	Section 16.2.2 – Principal Uses (P2 zone)	The principal uses in this zone are: (a) agriculture, urban (b) child care centre, major (c) community garden (d) community recreation services (e) emergency and protective services (f) health services, minor (g) private clubs (h) private education services (i) public education services (j) religious assemblies (k) utility services, minor impact	The principal uses in this zone are: (a) agriculture, urban (b) child care centre, major (c) community garden (d) community recreation services (e) emergency and protective services (f) health services, minor (g) private clubs (h) private education services (i) public education services (j) religious assemblies (k) supportive housing (l) temporary shelter services (m) utility services, minor impact	- Adding to the zones in the Bylaw in which these uses are compatible for better integration into the community.
17	Section 18 – Schedule 'B' – Comprehensive Development Zones	CD25 – Capri Centre Comprehensive Development Zone	CD26 – Capri Centre Comprehensive Development Zone	- Text correction.

Zoning Bylaw No. 8000

No.	Section	Existing Text	Proposed Text	Rationale
18	Section 18 – Schedule ‘B’ – Comprehensive Development Zones (CD25 – Capri Centre Comprehensive Development Zone) Section 1.3 – Design Guidelines	The CD 25 - Capri Comprehensive Development 25 Zone has been designated as a Development Permit Area by “Kelowna 2030 – Official Community Plan Bylaw No. 10500” for the purpose of guiding the form and character of development. The guidelines applicable to the CD 25 – Capri Comprehensive Development 25 Zone are annexed to this Bylaw as Annexure “1” and entitled “CD 25 Development Area Guidelines.”	The CD 26 - Capri Comprehensive Development 26 Zone has been designated as a Development Permit Area by “Kelowna 2030 – Official Community Plan Bylaw No. 10500” for the purpose of guiding the form and character of development. The guidelines applicable to the CD 26 – Capri Comprehensive Development 26 Zone are annexed to this Bylaw as Annexure “1” and entitled “CD 26 Development Area Guidelines.”	- Text correction.
19	Section 18 – Schedule ‘B’ – Comprehensive Development Zones (CD25 – Capri Centre Comprehensive Development Zone) Section 1.4 – Principal Uses	Principal uses in this zone are: (a) amusement arcades, major (b) animal clinics, minor (c) apartment hotels (d) apartment housing (e) boarding or lodging houses (f) business support services (g) care centres, major (h) Child Care (i) commercial schools (j) commercial use (k) congregate housing (l) emergency and protective services (m) financial services (n) food primary establishment (o) gas bars (p) government services (q) group homes, major (r) health services (s) hotels (t) insurance services (u) liquor primary establishment, major (v) liquor primary establishment, minor (w) non-accessory parking (x) offices (y) participant recreation services, indoor (z) personal service establishments (aa) private clubs (bb) public education services (cc) public libraries and cultural exhibits (dd) recycled materials drop-off centres (ee) religious assemblies	The principal uses in this zone are: (a) amusement arcades, major (b) animal clinics, minor (c) apartment hotels (d) apartment housing (e) boarding or lodging houses (f) business support services (g) child care centres, major (h) commercial schools (i) commercial use (j) congregate housing (k) emergency and protective services (l) financial services (m) food primary establishment (n) gas bars (o) government services (p) group homes, major (q) health services (r) hotels (s) insurance services (t) liquor primary establishment, major (u) liquor primary establishment, minor (v) non-accessory parking (w) offices (x) participant recreation services, indoor (y) personal service establishments (z) private clubs (aa) public education services (bb) public libraries and cultural exhibits (cc) recycled materials drop-off centres (dd) religious assemblies (ee) retail liquor sales establishment	- Updating use name.

Zoning Bylaw No. 8000

No.	Section	Existing Text	Proposed Text	Rationale
		(ff) retail liquor sales establishment (gg) retail stores, convenience (hh) retail stores, health products (ii) retail stores, general (jj) shopping centre (kk) spectator entertainment establishments (ll) supportive housing (mm) temporary shelter services (nn) utility services, minor impact (oo) rowhousing (pp) townhouses	(ff) retail stores, convenience (gg) retail stores, health products (hh) retail stores, general (ii) shopping centre (jj) spectator entertainment establishments (kk) supportive housing (ll) temporary shelter services (mm) utility services, minor impact (nn) rowhousing (oo) townhouses	
20	Section 18 – Schedule ‘B’ – Comprehensive Development Zones (CD25 – Capri Centre Comprehensive Development Zone) Section 1.5 – Secondary Uses	The secondary uses in this zone are: (a) amusement arcades, minor (b) care centres, minor (c) home based businesses, minor	The secondary uses in this zone are: (a) amusement arcades, minor (b) child care centre, minor (c) home based businesses, minor	- Updating use name.
21	Section 18 – Schedule ‘B’ – Comprehensive Development Zones (CD25 – Capri Centre Comprehensive Development Zone) Section 1.14 – Parking and Loading	(a) Parking spaces shall be designed in accordance with the parking regulations of Section 8 – Parking and Loading of this bylaw, with the exception that the minimum number of parking spaces required must be in accordance with Table 1.14.1 of this CD25 Zone. (b) Loading facilities shall be designed in accordance with the loading regulations of Section 8 – Parking and Loading of this bylaw, with the exception that the minimum number of parking spaces required must be in accordance with Table 1.14.2 of this CD25 Zone.	(a) Parking spaces shall be designed in accordance with the parking regulations of Section 8 – Parking and Loading of this bylaw, with the exception that the minimum number of parking spaces required must be in accordance with Table 1.14.1 of this CD26 Zone. (b) Loading facilities shall be designed in accordance with the loading regulations of Section 8 – Parking and Loading of this bylaw, with the exception that the minimum number of parking spaces required must be in accordance with Table 1.14.2 of this CD26 Zone.	- Text correction.

REPORT TO COUNCIL



Date: July 24, 2017

RIM No. 1250-30

To: City Manager

From: Community Planning Department (LK)

Application: Z17-0037

Owner: Joseph Crosara & Elizabeth Shelton

Address: 4264 Lakeshore Rd

Applicant: Christopher Blake

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Rezoning Application No. Z17-0037 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 11 District Lot 167 ODYD Plan 4610, located at 4264 Lakeshore Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approvals as set out in Schedule "A" attached to the Report from the Community Planning Department dated July 24, 2017;

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

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

2.0 Purpose

To rezone the subject property from RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to facilitate a two lot residential subdivision.

3.0 Community Planning

The subject property is located within the Permanent Growth Boundary in the North Mission/Crawford area of Kelowna along Lakeshore Road. The parcel is designated as S2RES – Single/ Two Unit Residential in the Official Community Plan (OCP). The application to rezone the parcel meets the OCP Urban Infill Policies of supporting the densification of neighbourhoods through appropriate infill development, including the use of smaller lots. The modest increase in density (i.e. 4 units) is supported by local amenities such as parks, schools, transit and recreational opportunities in the immediate area. The two lots will be serviced by one common driveway access to Lakeshore Road, in an effort to minimize any traffic impacts to the major roadway.

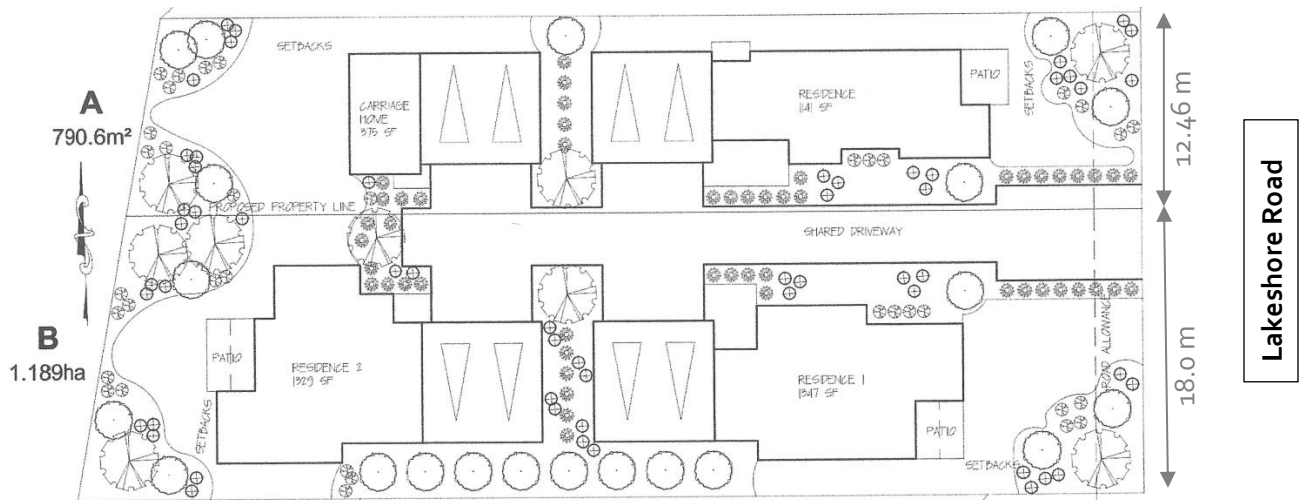
4.0 Proposal

4.1 Project Description

The subject application is to rezone the parcel from the existing RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone. Should the rezoning be successful, the applicant is planning to subdivide the parcel into two residential lots. The RU6 zone will allow the applicant to develop the south parcel with two single family dwellings and the north parcel with a single family dwelling and a carriage house. This is due to the north parcel having a narrower lot width. The RU6 zone allows for the development of two dwellings for lots that have a minimum width of 18.0 m. The north lot proposes a 12.46 m lot width, therefore the lot can only accommodate a single family dwelling and a carriage house (or secondary suite).

The proposed 12.46 m lot would require a variance (from the 13.0 m required width in the Zoning Bylaw) and will come before Council should the rezoning be supported.

Proposed Subdivision Layout:



Staff is supportive of the rezoning application as it will facilitate additional density to the neighbourhood on an easily access large suburban parcel. The two parcels will share a common driveway access from Lakeshore Road with the driveway mainly located on the larger south parcel. While the plans for the buildings are only schematic at this point, each shows an achievable building footprint that would meet the Zoning Bylaw Development Regulations. The parcel area of the smaller Lot A is almost double the minimum requirement of 400 m² at 790.6 m² and the minimum parcel depth of 30.0 m is far exceeded at over 62.0 m.

The two single family dwellings to be located on Lot B could be stratified, while the dwelling and carriage house on Lot A would retain a single title for the ownership of both buildings as strata titling is not allowed for carriage houses.

There is an existing road right-of-way along the western (rear) property line which is utilized for underground services. The City has no intention of developing a vehicular laneway through this area.

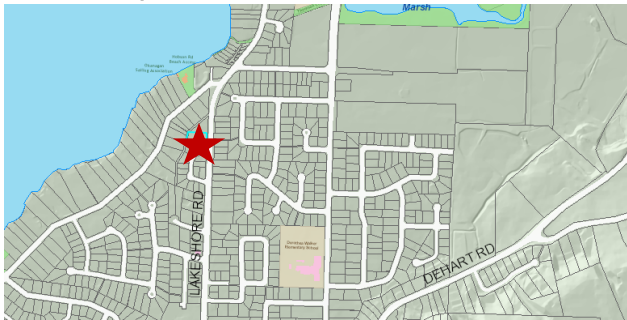
No development permit is required for the project. After subdivision, the development would proceed to building permit applications for development. Zoning Bylaw compliance would again be reviewed at that stage.

4.2 Site Context

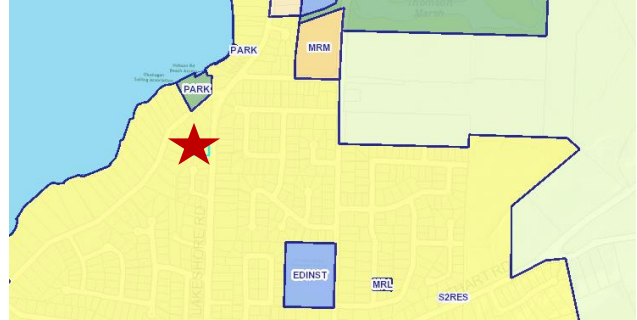
Specifically, adjacent land uses are as follows:

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

Context Map:



Future Land Use Map:



Subject Property Map: 4264 Lakeshore Road



4.3 Subdivision Regulations Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Subdivision Regulations		
Minimum Lot Area	700 m ²	Lot A - 790.7 m ² Lot B - 1190.4 m ²
Minimum Lot Width	13.0 m for single dwelling housing 18.0 m for two dwelling housing	Lot A - 12.46 m ● Lot B - 18.0 m
Minimum Lot Depth	30 m	Lot A - 62.27 m Lot B - 64.48 m
● Indicates a requested variance to the minimum parcel width from 13.0 m required to 12.46 m proposed.		

4.4 Zoning Analysis Table

CRITERIA	RU6 – TWO DWELLING HOUSING ZONE REQUIREMENTS
Minimum Front Yard	4.5 m (6.0 m from a garage or carport)
Minimum Side Yard	2.0 m (for up to 1 ½ storey portion of building) 2.3 m (for 2 storey portion of building)
Minimum Rear Yard	7.5 m
Maximum Site Coverage	40 % buildings (50 % including driveways and parking areas)

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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

Sensitive Infill.² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

Carriage Houses & Accessory Apartments.³ Support carriage houses and accessory apartments through appropriate zoning regulations.

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s).
- Demolition Permit required for any existing structures.
- HPO (Home Protection Office) approval or release is required at time of Building Permit application.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to these houses at time of permit application.

6.2 Development Engineering Department

- Refer to Attachment A.

6.3 Fire Department

- Ensure that the common driveway servicing 4 buildings is appropriate for access to the western most buildings.

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

² City of Kelowna Official Community Plan, Policy 5.27.6 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.27.12 (Development Process Chapter).

7.0 Application Chronology

Date of Application Received: April 11, 2017

Date Public Consultation Completed: June 30, 2017

Report prepared by: Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Reviewed by: Ryan Smith, Community Planning Department Manager

Approved for Inclusion: Doug Gilchrist, Divisional Director, Community Planning and Strategic Investments

Attachments:

Attachment A: Development Engineering Memorandum dated May 4, 2017

Attachment B: Subdivision Plan

**CITY OF KELOWNA**
MEMORANDUM

Date: May 4, 2017
File No.: S17-0034
To: Community Planning (LK)
From: Development Engineering Manager (SM)
Subject: Subdivision Application – PLR Requirements

LOCATION:	4264 Lakeshore Rd	ZONE RU6
APPLICANT:	1040711 BC LTD	
LEGAL:	Lot 11 Plan 4610	

The City's Development Services Department will handle the Works & Services requirements identified below between time of Preliminary Layout Review (PLR) and application for Subdivision Approval. Arrangements for construction must be made before making application for Approval of a subdivision plan. The Development Engineering Technician for this project is Jason Angus.

.1) General

- a) This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Rick Ould, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC V1Y 2K0 to obtain further information and to determine suitable location(s) within the development.

.2) Geotechnical Report

As a requirement of this application and building permit approval the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics, including water sources on the site.
- (b) Site suitability for development; i.e. unstable soils, foundation requirements etc.
- (c) Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.

- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

.3) Water

- a) The property is located within the City of Kelowna service area. The existing PVC water service will need to be upgraded to a 19mm copper service.
- b) New water services can be provided for the RU6 lot at the applicant's cost prior to subdivision approval. **The applicant will be required to sign a Third Party Work Order for the cost of the new service requirements.** For estimate inquiry's please contact Jason Angus at jangus@kelowna.ca or phone 250-469-8783. Or arrange for lot connections before submission of the subdivision plan.

.4) Sanitary Sewer

- a) The lot is serviced with a 100mm diameter service which is acceptable. A new sanitary service can be provided for the new lot at the applicant's cost prior to subdivision approval. **The applicant will be required to sign a Third Party Work Order for the cost of the new service requirements.** For estimate inquiry's please contact Jason Angus at jangus@kelowna.ca or phone 250-469-8783. Or arrange for lot connections before submission of the subdivision plan.

.5) Drainage

- a) The property is located within the City of Kelowna drainage service area. The Subdivision, Development and Servicing Bylaw requires that each lot be provided with an individual connection; however, the City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydro geotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- b) The development is required to contain and dispose of site generated storm drainage on the site by installing a ground recharge system designed by the consulting civil engineer. The existing lot does not presently have a storm drainage service.

.6) Roads

- a) Lakeshore Road frontage must be upgraded to a full urban standard including curb, gutter, sidewalk, fillet pavement, street lights, storm drainage, landscaping and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.
- b) Re-locate existing poles and utilities, where necessary.

.7) Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- a) Dedicate 3.0m width and a 3.0m road reserve along the full frontage of Lakeshore Rd. The existing fence and gate post must be removed.
- b) Grant statutory rights-of-way if required for utility services.

.8) Power and Telecommunication Services and Street Lights

- a) If the existing area is served by overhead wiring, the service connections may be provided overhead provided that there are no new poles required and service trespasses will not be created. If either of these conditions is not satisfied, then underground service will be required for that lot.
- b) Streetlights must be installed on all roads.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- d) Before making application for approval of your subdivision plan, please make arrangements with Fortis for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application for final approval.
- e) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).

.9) Site Related Issues

Access and Manoeuvrability

- i) The driveway access to the properties from Lakeshore Rd must be a shared access.
- ii) Furthermore, it is advised that in the future, access and egress to and from the site may be restricted to right-in and right-out due to a future median.

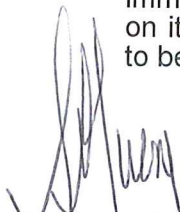
.10) Other Engineering Comments

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.
- c) Only the service upgrades must be completed at this time. The City wishes to defer the frontage upgrades to Lakeshore Rd & Belmont Road fronting this development. Therefore, cash-in-lieu of immediate construction is required and the City will initiate the work later, on its own construction schedule.

i) Lakeshore Road Item	Cost
Curb & Gutter	\$ 4,572.00
Sidewalk	\$ 5,175.00
Drainage	\$ 563.00
Street Lighting	\$ 1,715.00
Landscape Boulevard	\$ 1,715.00
Road Fillet	\$ 6,858.00
Total	\$21,137.00

.11) Charges and Fees

- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Survey Monument Fee of \$100.00 (\$50.00 per newly created lot) (GST exempt).
 - ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
- c) A hydrant levy charge of **\$250.00** (250.00 per new lot).
- d) Utility services upgrades; **to be determined.**
- e) The City wishes to defer the construction of frontage improvements on Lakeshore Rd which is premature at this time. Therefore, cash-in-lieu of immediate construction is required and the City will initiate the work later, on its own construction schedule. The cash-in-lieu amount is determined to be **\$21,137.00**



 Steve Muenz, P. Eng.
 Development Engineering Manager

SS



CITY OF KELOWNA
MEMORANDUM

Date: May 4, 2017
File No.: Z17-0037

To: Community Planning (LK)

From: Development Engineering Manager (SM)

Subject: 4264 Lakeshore Road

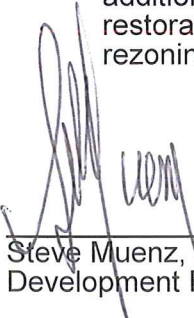
RU1 to RU6

Development Engineering has the following comments and requirements associated with this application.

1. General

Road dedication & frontage improvements are triggered by this rezoning application. The requirements include curb and gutter, storm drainage system and pavement widening. Also required is a landscaped boulevard, street lighting and the re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The cost of this construction is at the applicant's expense.

The proposed redevelopment includes the subject parcel being subdivided into two lots. A subdivision application will require service upgrades that include the installation of additional services. The work will require road cuts and boulevard and pavement restoration. Development Engineering is prepared to defer the requirements of the rezoning to the subdivision stage.



Steve Muenz, P. Eng.
Development Engineering Manager

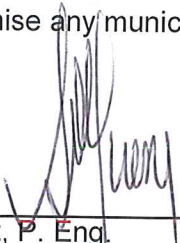
SS

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

Date: May 4, 2017
File No.: DVP17-0084
To: Community Planning (Lk)
From: Development Engineer Manager (SM)
Subject: 4264 Lakeshore Road

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

This development variance permit application to vary the parcel width from 13m to 12.46m does not compromise any municipal services.



Steve Muenz, P. Eng.
Development Engineering Manager

SS

**SITE PLAN OF LOT 11 DISTRICT LOT
167 OSOYOOS DIVISION YALE
DISTRICT PLAN 4610**

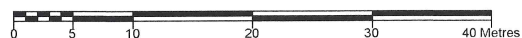
PID: 007-500-513

APPLICANT: CHRISTOPHER BLAKE

CIVIC ADDRESS: 4264 LAKESHORE ROAD

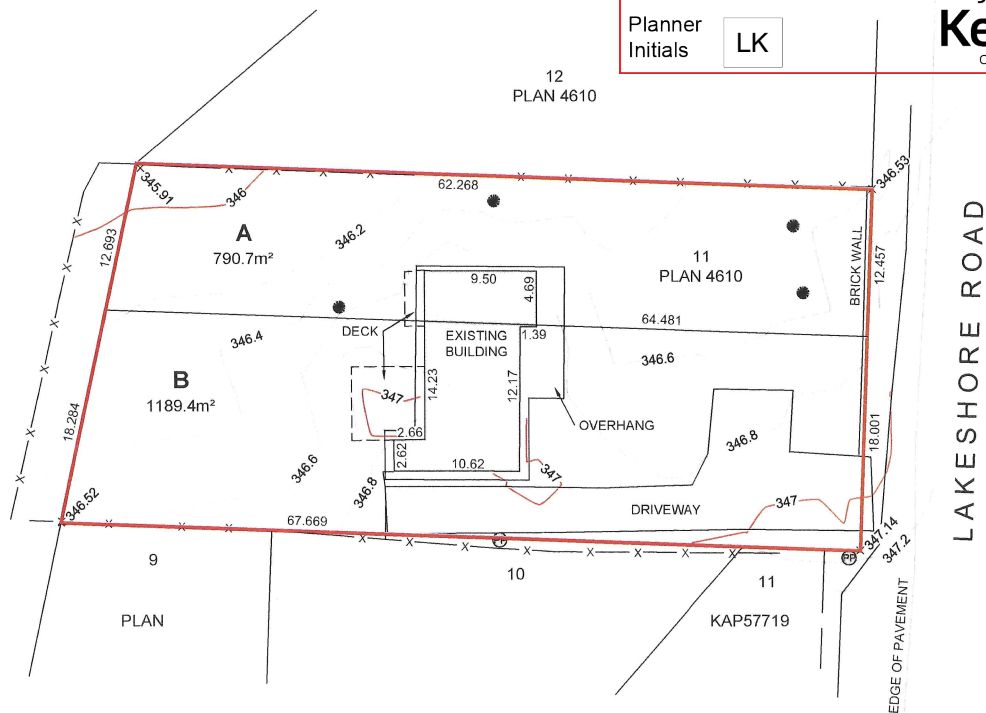
REGISTERED DOCUMENTS: NONE

SCALE 1:400 (@ 11" x 17")



LEGEND

- Subject Property
- ~ Major Contour (1m)
- ~ Minor Contour (0.2m)
- x Fence
- P Power Pole
- Tree



ATTACHMENT B

This forms part of application

Z17-0037

Planner
Initials

LK

City of
Kelowna
COMMUNITY PLANNING



LAKESHORE ROAD

VECTOR
GEOMATICS LAND SURVEYING LTD.
Head Office - Fort St. John Kelowna Office
8884 Airport Rd., PO Box 6428 170-1855 Kirschner Rd.
Fort St. John, B.C. V1J 4H8 Kelowna, B.C. V1Y 4N7
Ph.: (250) 785-7474 Ph.: (250) 868-0172
www.vectorgeomatics.com
File: 1600163

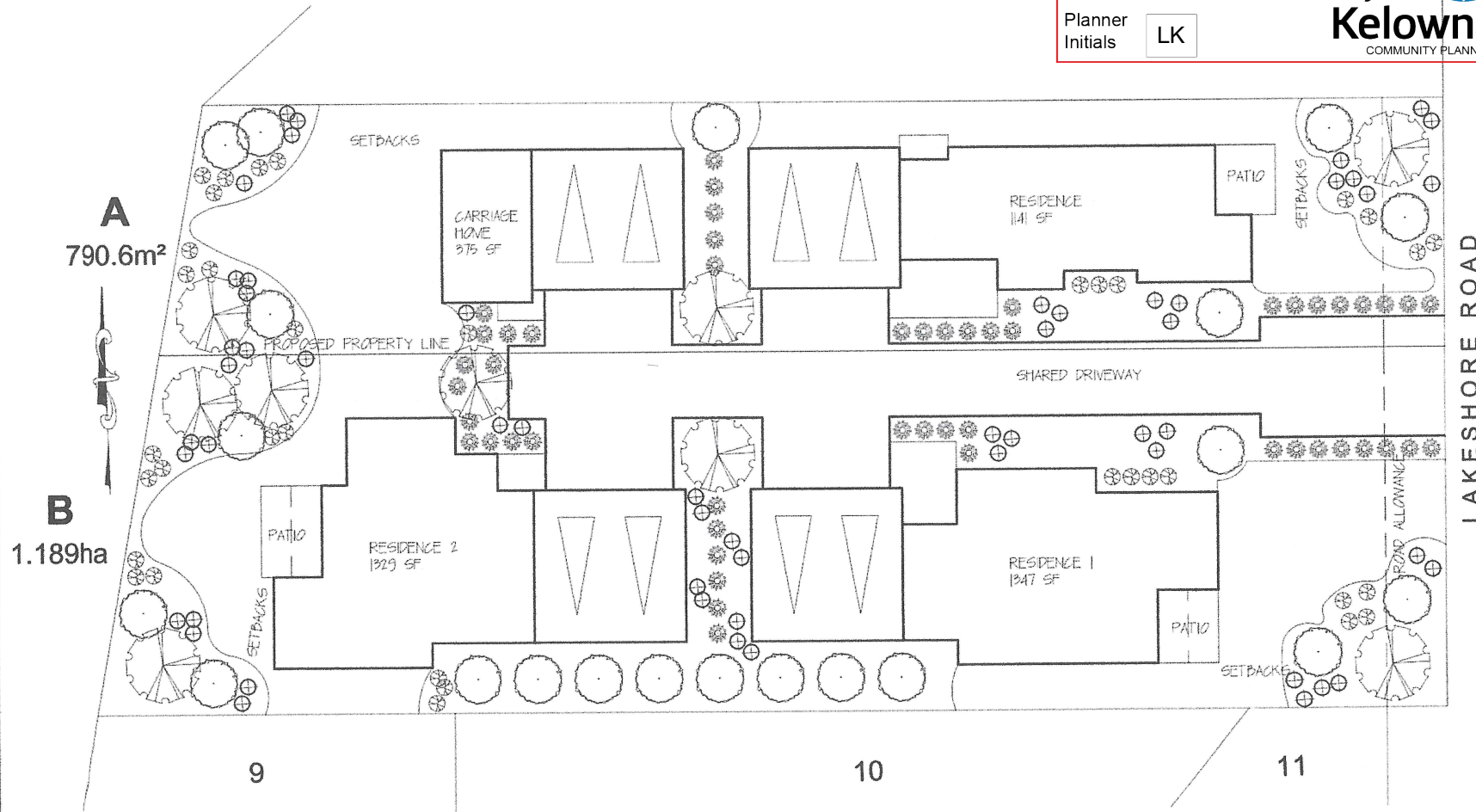
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ATTACHMENT B

This forms part of application
Z17-0037

Planner
Initials LK

City of
Kelowna
COMMUNITY PLANNING



CONCEPTUAL SITE PLAN

4264 LAKESHORE ROAD

SCALE: 1/8" = 1'-0" 1. DRAWING NUMBER

REVISION

OASIS DESIGN

888-2275
DESIGNED BY: JAMES W. HANCOCK
DATE: FEBRUARY 11, 2017

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REPORT TO COUNCIL



Date: July 24, 2017

RIM No. 1250-30

To: City Manager

From: Community Planning Department (TB)

Application: Z17-0061

Owner: 0837937 BC Ltd Inc. No.
BC0837937

Address: 2355 Acland Road
333 Penno Road

Applicant: Kim McKechnie

Subject: Rezoning Application

Existing OCP Designation: IND - Industrial

Existing Zone: I1 – Business Industrial

Proposed Zone: I2 – General Industrial

1.0 Recommendation

THAT Rezoning Application No. Z17-0061 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot B, Section 2, Township 23, ODYD, Plan KAP80969, located at 2355 Acland Road, Kelowna, BC from the I1 – Business Industrial zone to the I2 – General Industrial zone as shown on Map "A" attached to the Report from the Community Planning Department dated July 24, 2017, be considered by Council;

AND THAT Rezoning Application No. Z17-0061 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot E, Section 2, Township 23, ODYD, Plan EPP27682, located at 333 Penno Road, Kelowna, BC from the I1 – Business Industrial zone to the I2 – General Industrial zone as shown on Map "A" attached to the report from the Community Planning Department dated July 24, 2017 be considered by Council;

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

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

2.0 Purpose

To rezone portions of the subject properties from I1 – Business Industrial to I2 – General Industrial to facilitate the construction of two new industrial buildings.

3.0 Community Planning

Community Planning supports the proposed rezoning as it is consistent with the Official Community Plan Future Land Use of IND – Industrial. The subject properties are currently split zoned and the proposed rezoning from I1 – Business Industrial to I2 – General Industrial will eliminate the split zone circumstance and provide a consistent zone for the parcel. This will allow a greater number of industrial uses on the property and is consistent with the majority of other properties in the area that are currently zoned I2.

4.0 Proposal

4.1 Background

The subject properties have been partially developed under the I1 and I2 zones, with large portions of the property at 333 Penno Rd still vacant and undeveloped. Most adjacent parcels are owned by the same company, and will continue to develop over time.

4.2 Project Description

The subject properties, 2355 Acland Road and 333 Penno Road have an activate technical subdivision application in stream that will consolidate a portion of 2355 Acland Road with a new lot accessed from Norris Road. The proposed rezoning follows the boundary lines of the proposed new lot. This rezoning eliminates a situation where a property has split zoning, allowing development to occur under a consistent zone. Rezoning to I2 – General Industrial provides a wider range of industrial uses on the property, making it more desirable to develop and more attractive to tenants. The I1 – Business Industrial zone is more suited to business parks and areas with limited outdoor storage and the I1 zone is discouraged in the Official Community Plan. The majority of the properties in the area are currently zoned I2, and therefore Staff do not anticipate any negative impacts of this rezoning application and the increased number of industrial uses.

Should Council support the Rezoning, a Development Permit and Development Variance Permit will be brought forward for Council consideration. The applicant has proposed two new industrial buildings that require a setback variance from a flanking street to create a more useable interior space by increasing the footprints of the building.

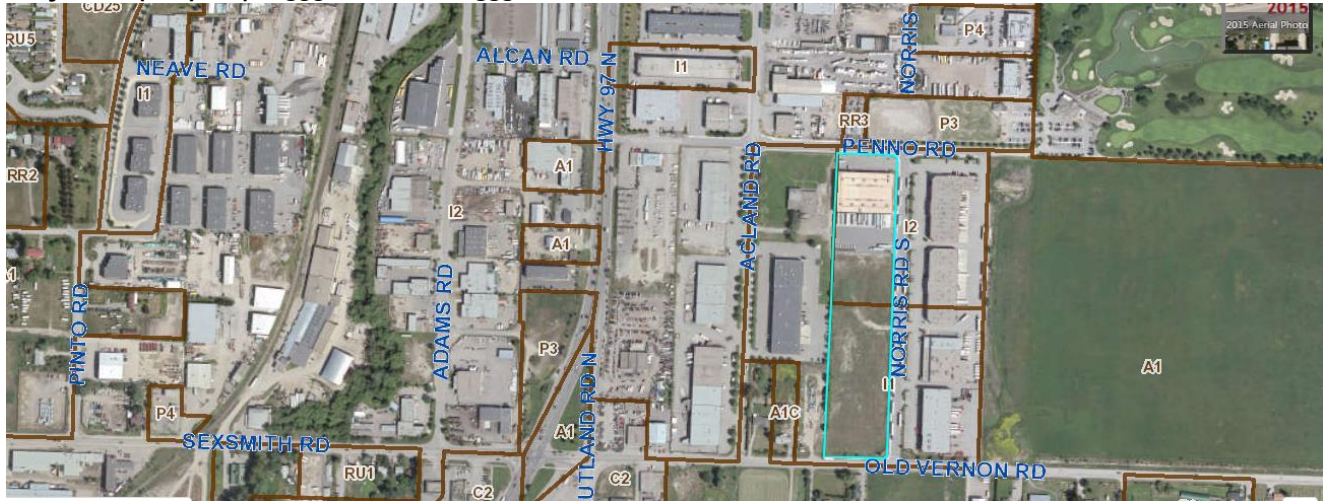
4.3 Site Context

The subject properties are located east of Highway 97 and north of Sexsmith Road in a predominantly industrial area. Most of the area is currently zoned I2 with a select few properties that remain I1.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I2 – General Industrial	Industrial
East	I1 – Business Industrial	Business Industrial
South	A1 – Agriculture	Rural Residential / Agriculture
West	I1 – Business Industrial	Business Industrial

Subject Property Map: 2355 Acland Rd / 333 Penno Rd



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Discourage I1 Zoning.¹ Discourage properties from being rezoned to I1 Business Industrial. Instead, applicants should be encouraged to pursue a new industrial zone which would be based on the I1 Zone, but would preclude “offices” as a permitted use

6.0 Application Chronology

Date of Application Received: June 26, 017

Date Public Consultation Completed:

Report prepared by: Trisa Brandt, Planner

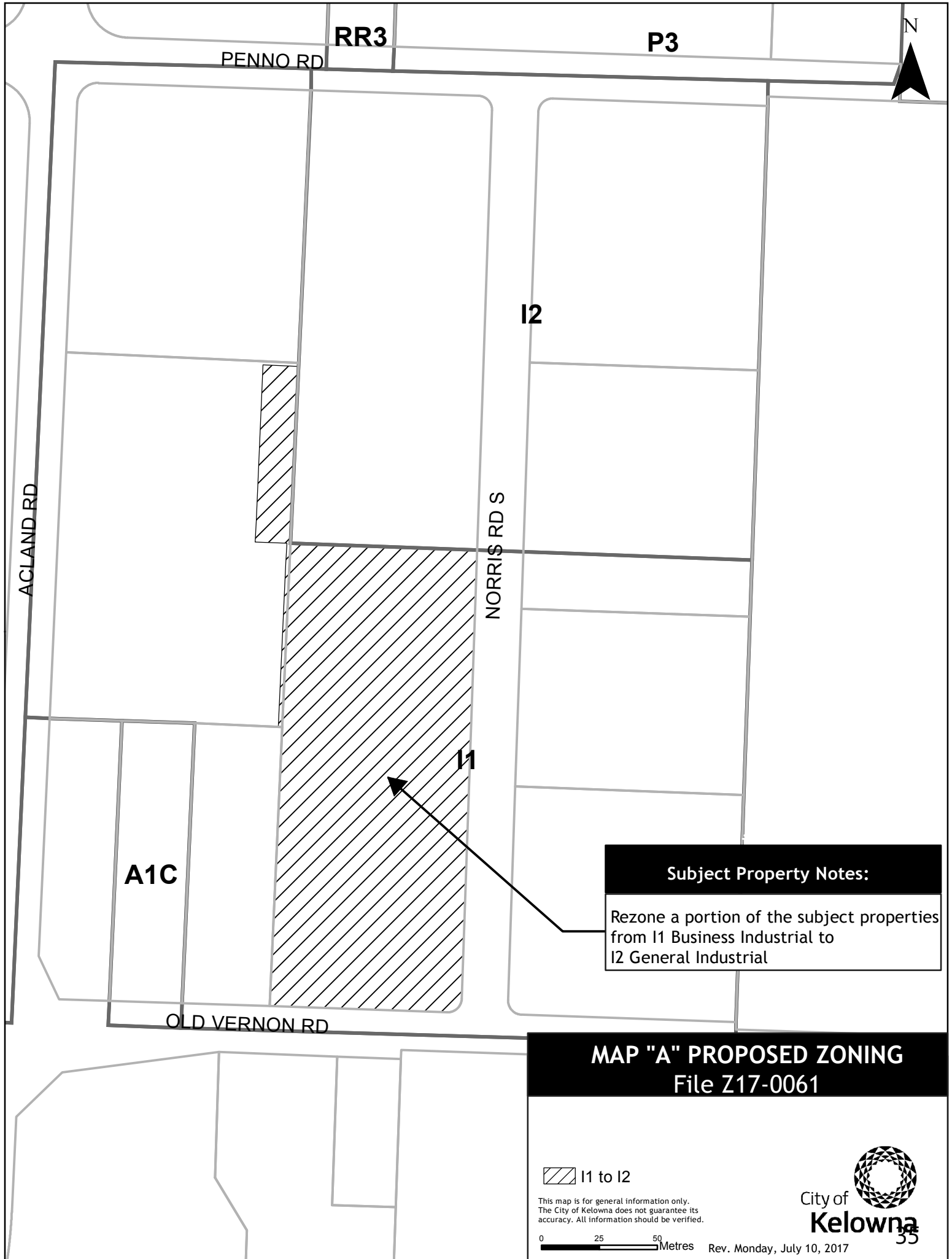
Reviewed by: Terry Barton, Urban Planning Manager

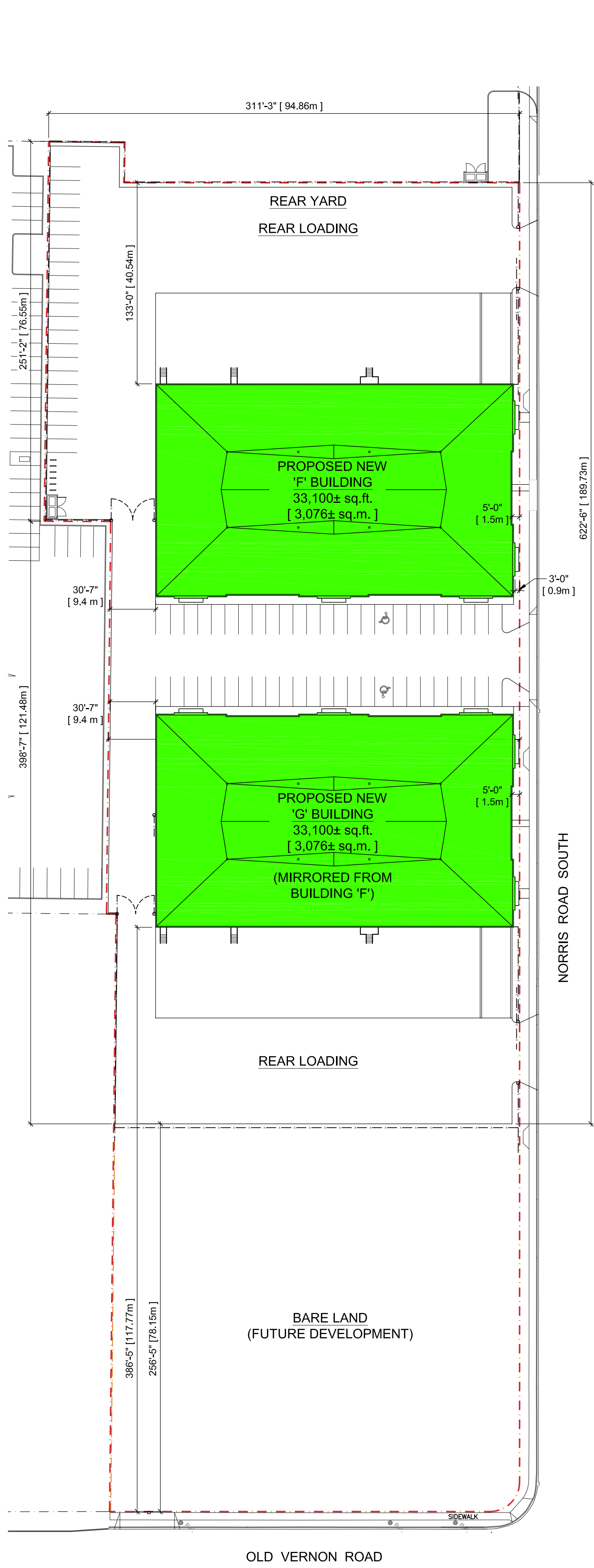
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

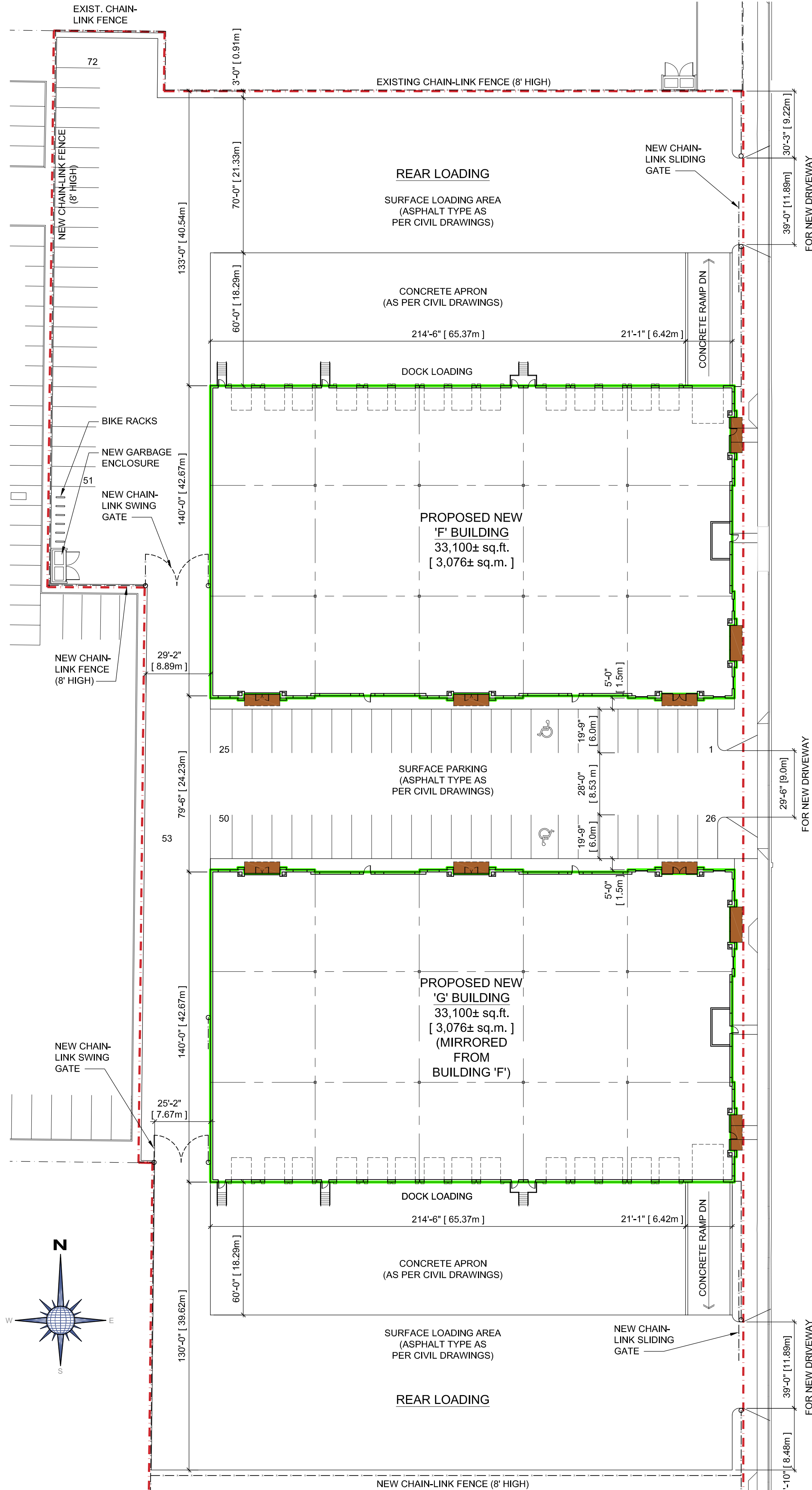
Map “A”: Zoning map of 2355 Acland Rd and 333 Penno Rd
Proposed Site Plan

¹ City of Kelowna Official Community Plan, Policy 5.30.2 (Development Process Chapter).





1 OVERALL SITE PLAN
SCALE: 1" = 50'-0"



2 ENLARGED SITE PLAN
SCALE: 1/32" = 1'-0"

DRAWING LIST

DP1 SITE PLAN & PROJECT DATA
DP2 MAIN FLOOR PLAN
DP3 ELEVATIONS

PROJECT DATA

PROJECT NAME / ADDRESS

WAREHOUSE SHELL BUILDING 'F' & 'G'
2350 NORRIS ROAD SOUTH
KELOWNA, BC

APPLICABLE CODES:

2012 BC BUILDING CODE
ZONING BY-LAW (NO. 8000)

GOVERNING BODIES:

CITY OF KELOWNA

LEGAL DESCRIPTION:

LOT 3, PLAN EPP (NOT YET REGISTERED)
FORMERLY LOT E, 27682, SEC. 2, TWP 23, O.D.Y.D.

ZONING:

I-1 (BUSINESS INDUSTRIAL)
I-2 (GENERAL INDUSTRIAL)

SITE AREA: 23,000 sq.m. [247,480 sq.ft.]

DEVELOPED SITE AREA: 16,648 sq.m. [179,130 sq.ft.]

BUILDING FOOTPRINT AREA: 3,076 sq.m. [33,100 sq.ft.] PER BUILDING
TOTAL BUILDING FOOTPRINT AREA: 6,152 sq.m. [66,200 sq.ft.] 2 BUILDINGS

LOT WIDTH: 40.0m
LOT DEPTH: 35.0m
LOT AREA: 4,000 sq.m.
MAXIMUM SITE COVERAGE: 60%
FLOOR AREA RATIO: 1.2 (I-1) or 1.5 (I-2)
HEIGHT: 16m (I-1) or 14m (I-2)

PERMITTED 40.0m
PROVIDED 82.5m

35.0m
267.9m

4,000 sq.m.
23,000 sq.m.

60%
27%

1.2 (I-1) or 1.5 (I-2)
0.36

16m (I-1) or 14m (I-2)
11m

SETBACKS:
FRONT (OLD VERNON ROAD) 6.0m (I-1) or 7.5m (I-2) 117.8m
EAST SIDE (FLANKING - NORRIS RD) 4.5m (I-1) or 6.0m (I-2) 0.0m [VARIANCE]
WEST SIDE (INTERIOR LOT LINE) 0.0m (I-1) or 4.5m (I-2) 7.67m
REAR (INTERIOR LOT LINE) 0.0m (both zones) 42.5m

PARKING:

GENERAL INDUSTRIAL (UP TO 985 sq.m. x 2.0 / 100 sq.m. GFA)

WAREHOUSING (3,076 sq.m. x 0.5 / 100 sq.m. GFA)

20 STALLS
16 STALLS
TOTAL 36 STALLS PER BUILDING

MEDIUM SIZE VEHICLE SPACES 10 STALLS (30%)

COMPACT CAR SPACES 0 STALLS (0%)

LOADING @ 1 / 1,900 sq.m. GFA 3 SPACES PER BUILDING

DRIVE AISLE 7.0m

BICYCLE PARKING:

CLASS II @ 0.3 / 100 sq.m. GFA 9 SPACES PER BUILDING

LANDSCAPE BUFFER:

FRONT (OLD VERNON ROAD): 3.0m
SIDE - FLANKING (NORRIS RD) 3.0m
SIDE - WEST 0.0m
REAR - NORTH 0.0m

LANDSCAPE TREATMENT LEVELS

FRONT (OLD VERNON ROAD) 2
SIDE - FLANKING (NORRIS RD) 3
SIDE - WEST N/A
REAR - NORTH 3

CALLAHAN PROPERTY GROUP

218 - 1626 Richter Street, Kelowna, B.C. V1Y 2M3
Ph: (250) 717-3000 Fax: (250) 717-3400
Email: leasing@callahanpg.ca
Website: www.callahanpg.ca

SEALS

CONSULTANTS

* THIS IS A COPYRIGHT DRAWING AND DESIGN AND SHALL NOT BE USED, REPRODUCED, OR REVISED WITHOUT WRITTEN PERMISSION.
* THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS AND OMISSIONS TO THE ARCHITECT PRIOR TO COMMENCING THE WORK.
* THESE DRAWINGS ARE NOT TO BE SCALED.

IMPERIAL

ISSUED FOR

NO. DATE DESCRIPTION
1 2017.05.24 ISSUED FOR DP

PROJECT TITLE

PROPOSED WAREHOUSE
SHELL BUILDING 'F' & 'G'

NORRIS RD SOUTH, KELOWNA, B.C.

DRAWING TITLE

SITE PLAN &
PROJECT DATA

DATE 2017-05-24 DRAWN BW

PLOT DATE -

CAD FILE -

PROJECT NO. DRAWING NO.

DP1

REPORT TO COUNCIL



Date: July 24, 2017

RIM No. 1250-20

To: City Manager

From: Community Planning Department (LB)

Application: OCP17-0016

Owner: City of Kelowna

Address: (W of) Loseth Drive

Applicant: City of Kelowna

Subject: Official Community Plan Amendment Application

Existing OCP Designation: PARK – Major Park / Open Space (Public)
S2RESH – Single / Two Unit Residential – Hillside

Proposed OCP Designation: PARK – Major Park / Open Space (Public)

Existing Zone: P3 – Parks and Open Space

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP17-0016 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of portions of Lot 24 Section 24 Township 26 ODYD Plan EPP43942, located at (W of) Loseth Drive, Kelowna BC, from the S2RESH – Single / Two Unit Residential – Hillside designation to the PARK – Major Park / Open Space (Public) designation, as shown on Map “A” attached to the Report from the Community Planning Department dated July 24, 2017, be considered by Council;

AND THAT the Official Community Plan Map Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT Council considers the Public Hearing process to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated July 24, 2017.

2.0 Purpose

To amend the Official Community Plan to change the future land use designation to PARK – Major Park / Open Space (Public) for the entirety of the property.

3.0 Community Planning

Staff support an Official Community Plan (OCP) amendment to change the future land use designation for portions of the property from the S2RESH – Single / Two Unit Residential – Hillside designation to the

PARK – Major Park / Open Space (Public) designation. Known as Mine Hill Park, the property was dedicated to the City in 2015 as part of the Prospect at Black Mountain development.

The 2007 rezoning plan for Prospect at Black Mountain established the direction for development in the area; however, an OCP amendment was not completed at that time. As such, staff consider this proposal to be a housekeeping amendment that is consistent with the previous direction supporting the property's use as natural open space. This application would result in the entirety of the property having the future land use designation of PARK.

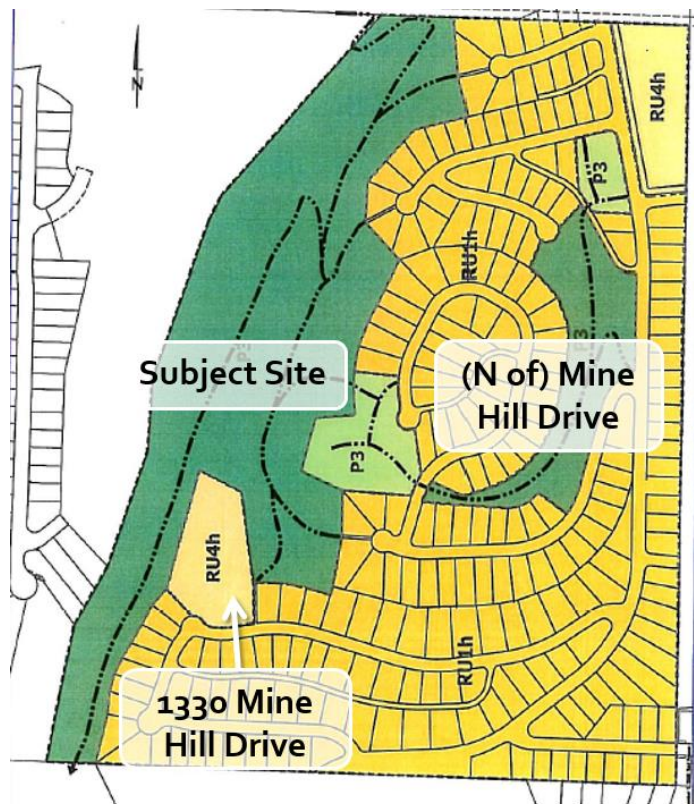
Staff have reviewed this application, and it may move forward without affecting either the City's Financial Plan or Waste Management Plan.

4.0 Proposal

4.1 Background

Through Council's endorsement of the Bell Mountain (Black Mountain) ASP and corresponding OCP Amendments in 2003, the subject site was designated as S2RES – Single / Two Unit Residential and PARK – Major Park / Open Space. In 2007, Council considered a revised comprehensive plan and rezoning for Prospect at Black Mountain, which encompassed an area of nearly 50 hectares and includes the subject site, as shown in the image to the right. This rezoning resulted in the subject site changing from the A1 – Agriculture 1 zone to the P3 – Parks and Open Space zone, with no intent for development on this property. An OCP amendment was not completed at the time, resulting in inconsistencies between the future land use designations and the zoning. The intent was to move forward with development that follows the zoning as approved in 2007, and the first phases of development proceeded accordingly. Mine Hill Park was dedicated to the City in 2015.

This application is associated with OCP17-0013 / Z16-0079, which is to amend the future land use designation of and rezone 1330 Mine Hill Drive.



Zoning Plan Approved in 2007

4.2 Project Description

The proposed OCP amendments would see the entirety of the property designated PARK – Major Park / Open Space (Public), which is consistent with the property's existing zoning of P3 – Parks and Open Space and the intent of the comprehensive plan for the area.

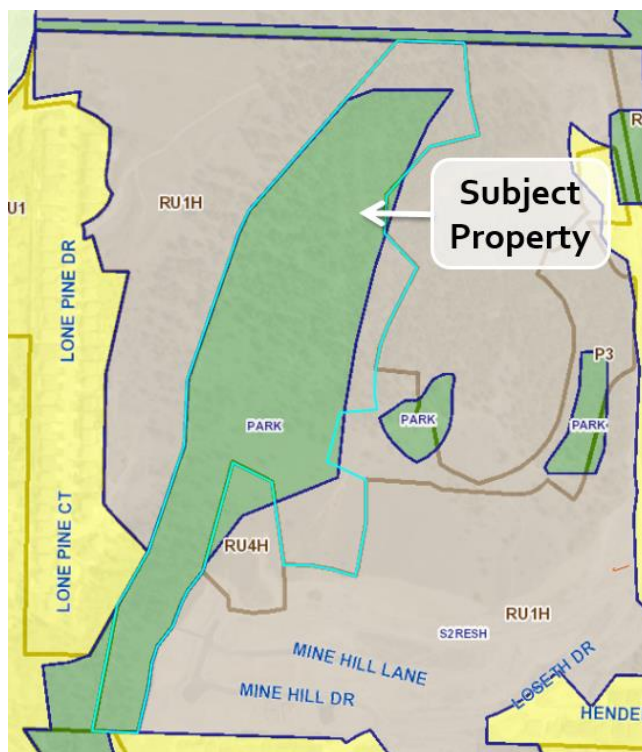
4.3 Site Context

The subject property is known as Mine Hill Park and is a large natural open space area with an informal trail network. It is located in the City's Belgo – Black Mountain Sector north of Prospect at Black Mountain and east of Blue Sky at Black Mountain, and is 13.1 ha in area. The surrounding area is characterized by existing and future single family residential development and natural open space.

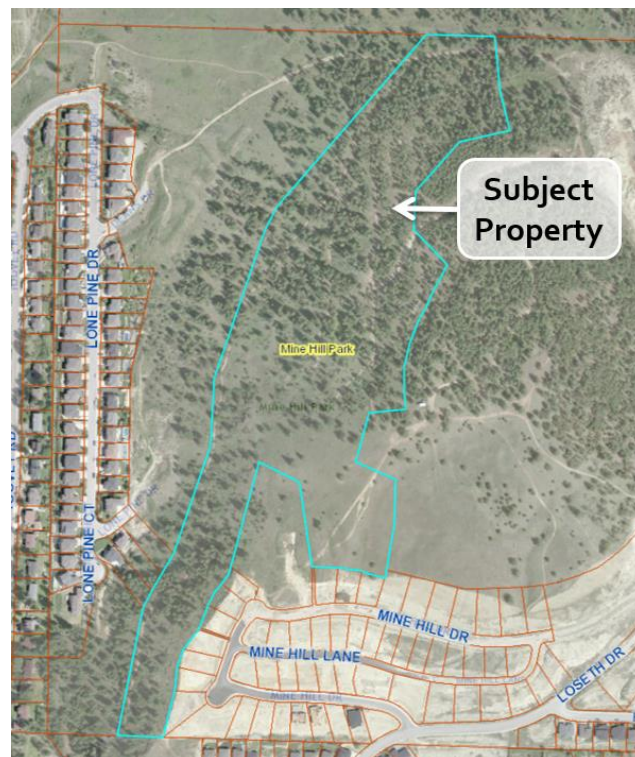
Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Agriculture / open space
East	RU1h – Large Lot Housing (Hillside Area) P3 – Parks and Open Space	Vacant land / open space
South	RU1h – Large Lot Housing (Hillside Area) RU4h – Low Density Cluster Housing (Hillside Area) P3 – Parks and Open Space	Vacant residential lots (single dwelling housing) Natural open space
West	A1 – Agriculture 1 RU1 – Large Lot Housing RU1h – Large Lot Housing (Hillside Area)	Open space Single dwelling housing Vacant land / open space

Map 1: Surrounding Context – Future Land Use Designations & Zoning



Map 2: Subject Property



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 4: Future Land Use

Major Park / Open Space (public) (PARK)

City, District, Community, Neighbourhood and Linear parks. Not all parks required over the next 20 years are indicated on the map, as Neighbourhood parks will be provided at City standards as integral components of new and redevelopment initiatives. A major Recreation Park will be provided in the Glenmore Valley area. Open space indicated at the south end of Ellison Lake is intended as wildlife habitat preservation subject to approval of the appropriate provincial ministry or agency.

Chapter 7: Infrastructure

Policy 7.12.2 Natural Area Parks and Open Spaces. Provide a city-wide network of natural area parks which meet the following criteria:

- Contains representative Okanagan ecosystems;
- Contains areas of outstanding natural beauty (including areas with high visual sensitivity and high visual vulnerability, such as rocky outcrops, ridge lines, hilltops, silt slopes, canyons, and water edges);
- The land area is contiguous and forms part of a larger open space network;
- Contains conservation areas;
- Protects viewshed corridors; and
- Where appropriate, trails which maximize public safety while minimizing human impact on the most sensitive and vulnerable areas.

6.0 Application Chronology

Date of Application Received: June 30, 2017

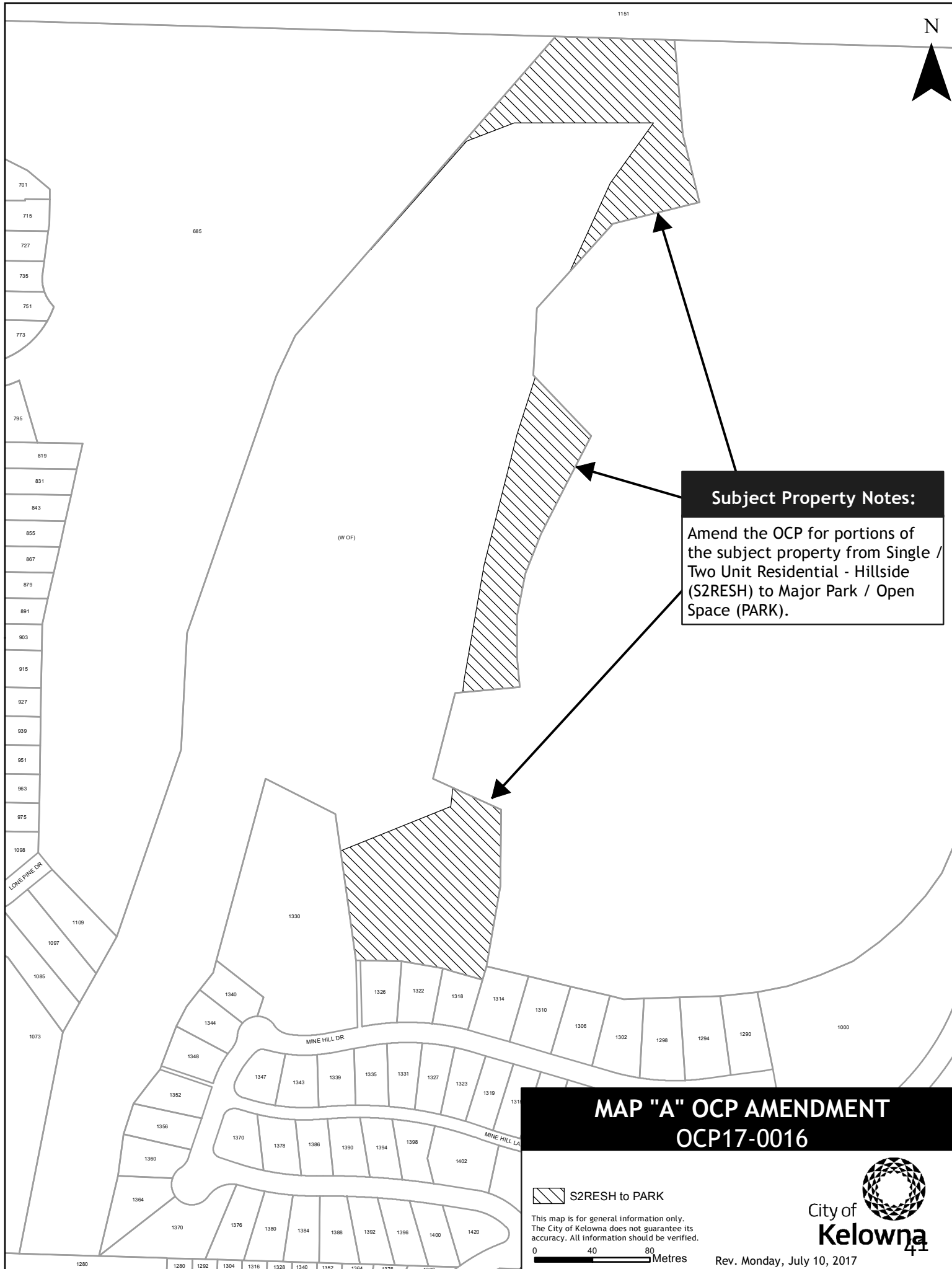
Report prepared by: Laura Bentley, Planner II

Reviewed by: Todd Cashin, Suburban & Rural Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Map "A" OCP Amendments



Subject Property Notes:

Amend the OCP for portions of the subject property from Single / Two Unit Residential - Hillside (S2RESH) to Major Park / Open Space (PARK).

MAP "A" OCP AMENDMENT OCP17-0016

 S2RESH to PARK

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

0 40 80 Metres



Rev. Monday, July 10, 2017

REPORT TO COUNCIL



Date: July 24, 2017

RIM No. 1250-30

To: City Manager

From: Community Planning Department (LB)

Application: OCP17-0013 / Z16-0079
Owner: Starland Development Company Ltd., Inc.No. BCo410092
Louis Pouliot & Fiona Knox

Address: 1330 Mine Hill Drive
1340 Mine Hill Drive
Applicant: CTQ Consultants Ltd.

Subject: Official Community Plan Amendment & Rezoning Application

Existing OCP Designation: PARK – Major Park / Open Space (Public)
S2RESH – Single / Two Unit Residential – Hillside

Proposed OCP Designation: S2RESH – Single / Two Unit Residential – Hillside

Existing Zone: RU1h – Large Lot Housing (Hillside Area)
RU4h – Low Density Cluster Housing (Hillside Area)

Proposed Zone: RU1h – Large Lot Housing (Hillside Area)

1.0 Recommendation

THAT Official Community Plan Amendment Application No. OCP17-0013 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of a portion of Lot 24 Section 24 Township 26 ODYD Plan EPP67683, located at 1330 Mine Hill Drive, Kelowna, BC, from the PARK – Major Park / Open Space (Public) designation to the S2RESH – Single / Two Unit Residential – Hillside designation, as shown on Map “A” attached to the Report from the Community Planning Department dated July 24, 2017, be considered by Council;

AND THAT the Official Community Plan Map Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council considers the Public Hearing process to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated July 24, 2017;

AND THAT Rezoning Application No. Z16-0079 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 24 Section 24 Township 26 ODYD Plan EPP67683, located at 1330 Mine Hill Drive, Kelowna, BC, and of a portion of Lot 23 Section 24 Township 26 ODYD Plan EPP67683,

located at 1340 Mine Hill Drive, Kelowna, BC, from the RU4h – Low Density Cluster Housing (Hillside Area) zone to the RU1h – Large Lot Housing (Hillside Area) zone, as shown on Map “B” attached to the Report from the Community Planning Department dated July 24, 2017, be considered by Council;

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

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

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

2.0 Purpose

To amend the Official Community Plan to change the future land use designation and to rezone the subject property to facilitate a six lot residential subdivision.

3.0 Community Planning

Staff support the request to amend the future land use designation from PARK – Major Park / Open Space (Public) to S2RESH – Single / Two Unit Residential – Hillside and to rezone from RU4h – Low Density Cluster Housing (Hillside Area) to RU1h – Large Lot Housing (Hillside Area) to allow the site to be subdivided into six residential lots. The proposal is generally in keeping with the overall vision established through the Bell Mountain Area Structure Plan (ASP) and subsequent plan updates in 2007, and is consistent with the surrounding development.

Future Land Use Designation

The 2007 rezoning plan for Prospect at Black Mountain established the direction for development in the area; however, an OCP amendment was not completed at that time. As such, staff consider this proposal to be a housekeeping amendment that is consistent with the previous direction supporting residential development on the subject site. The entirety of the site would have the future land use designation of S2RESH, with PARK surrounding it on three sides, as per OCP17-0016.

Staff have reviewed this application, and it may move forward without affecting either the City’s Financial Plan or Waste Management Plan.

Zoning

The original plan for the site was a small strata development of single detached homes under the RU4h zone, in part due to topographical constraints and the ability to accommodate municipal services. Changes to road standards for hillside development now allow for narrower road right-of-ways, thereby reducing impacts on slopes. This has allowed the developer to provide municipal road access into the site and to create individual lots. Staff will work with the developer to ensure appropriate long-term protection of and setbacks from slopes through the subdivision process. The RU1h zone is consistent with the future land use designation of S2RESH, and the surrounding development area is also zoned RU1h.

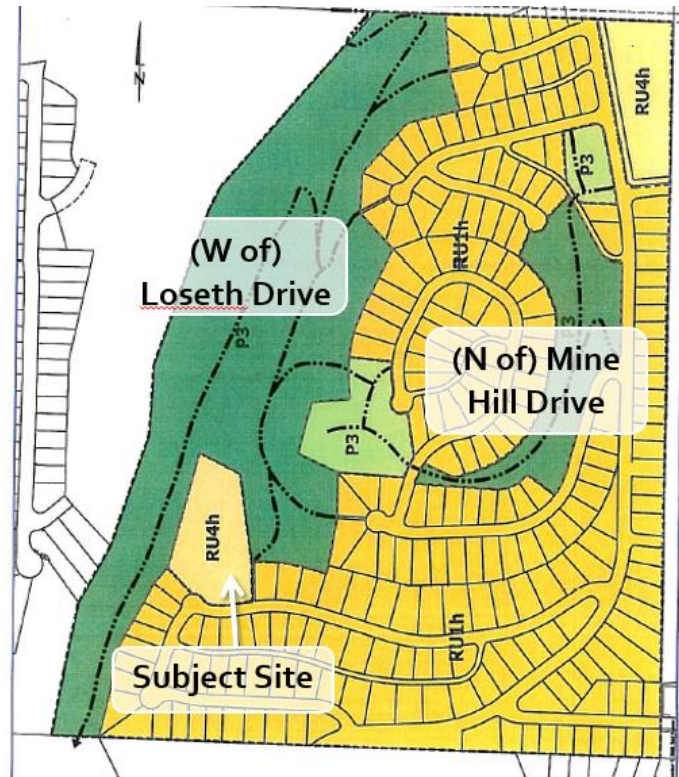
As a result of minor adjustments to proposed property boundaries in previous subdivision phases, 1340 Mine Hill Drive is zoned both RU1h and RU4h. This application proposes to rezone this property to RU1h in its entirety.

Public consultation and notification was not required since no privately owned properties were within 50 m of the subject site at time of application. The development is part of a master planned community and is generally consistent with the ASP and development plan for the area.

4.0 Proposal

4.1 Background

Through Council's endorsement of the Bell Mountain (Black Mountain) ASP and corresponding OCP Amendments in 2003, the subject site was designated as S2RES – Single / Two Unit Residential and PARK – Major Park / Open Space. In 2007, Council considered a revised comprehensive plan and rezoning for Prospect at Black Mountain, which encompassed an area of nearly 50 hectares and includes the subject site, as shown in the image to the right. This rezoning resulted in the subject site changing from the A1 – Agriculture 1 zone to the RU4h – Low Density Cluster Housing (Hillside Area) zone. An OCP amendment was not completed at the time, resulting in inconsistencies between the future land use designations and the zoning. The intent was to move forward with development that follows the zoning as approved in 2007, and the first phases of development proceeded accordingly.



Zoning Plan Approved in 2007

In conjunction with this application, staff are bringing forward an application under OCP17-0016 for the City-owned lot at (W of) Loseth Drive to amend the future land use designations to align with the existing zoning of P3 – Parks and Open Space. The remainder of the Prospect at Black Mountain land at (N of) Mine Hill Drive was purchased by Melcor Developments in spring 2017, and they are reviewing development plans for the site. Staff will work with Melcor to ensure any changes meet City policies and guidelines, and the inconsistencies between the future land use designations and zoning for that property will be addressed through a future application.

4.2 Project Description

As the final phase in Prospect at Black Mountain, the proposed development is for six residential lots under the RU1h – Large Lot Housing (Hillside Area) zone. The applicant is proposing to rezone from RU4h to RU1h to facilitate this subdivision, and each proposed lot exceeds the zone's minimum required lot width, depth and area. The application includes a housekeeping amendment to correct the future land use designation based on the previous rezoning of the entirety of the site. The applicant has also submitted applications for Preliminary Layout Review of the subdivision and a Development Permit for hazardous conditions and natural environment, which are reviewed and issued by staff.

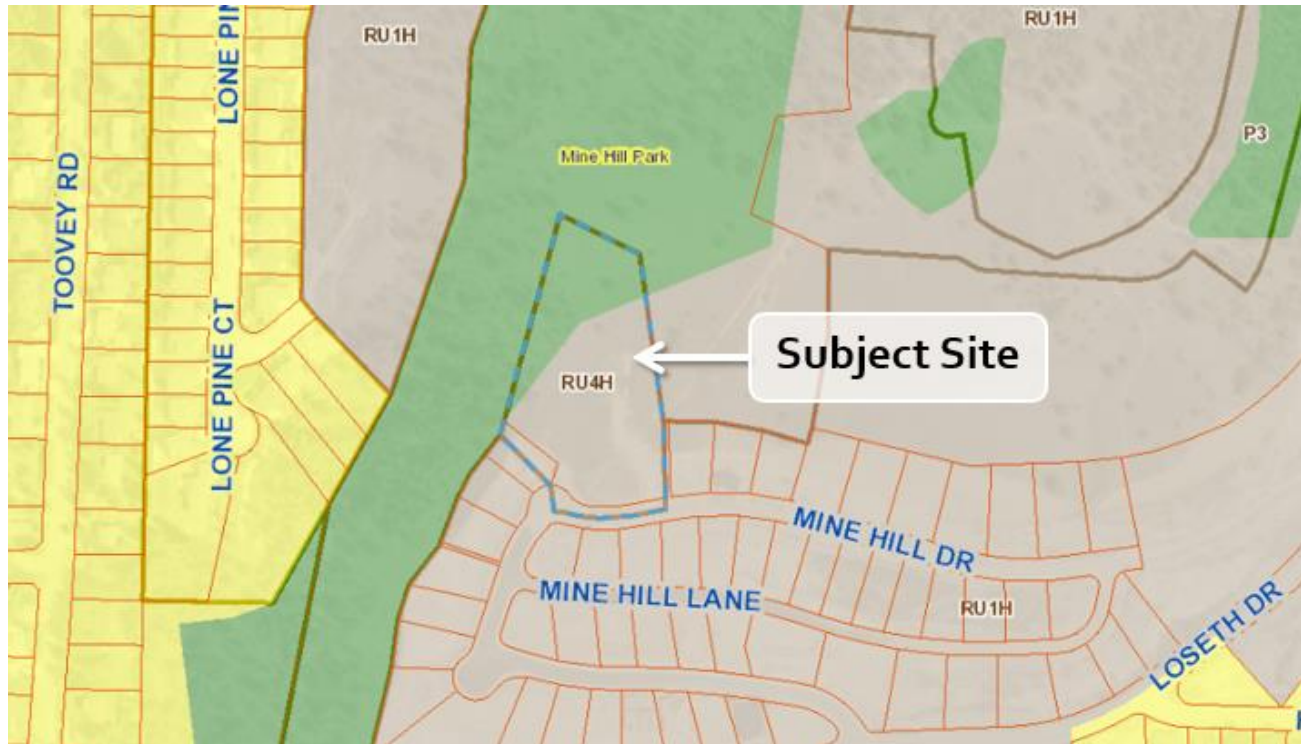
4.3 Site Context

The subject site is located north of Mine Hill Drive in the Prospect at Black Mountain neighbourhood, in the City's Belgo – Black Mountain Sector. The site is 1.2 ha in area and slopes downward from east to west, with the steepest portions near the east and west property lines. The surrounding area is characterized by existing and future large lot residential neighbourhoods and natural open space.

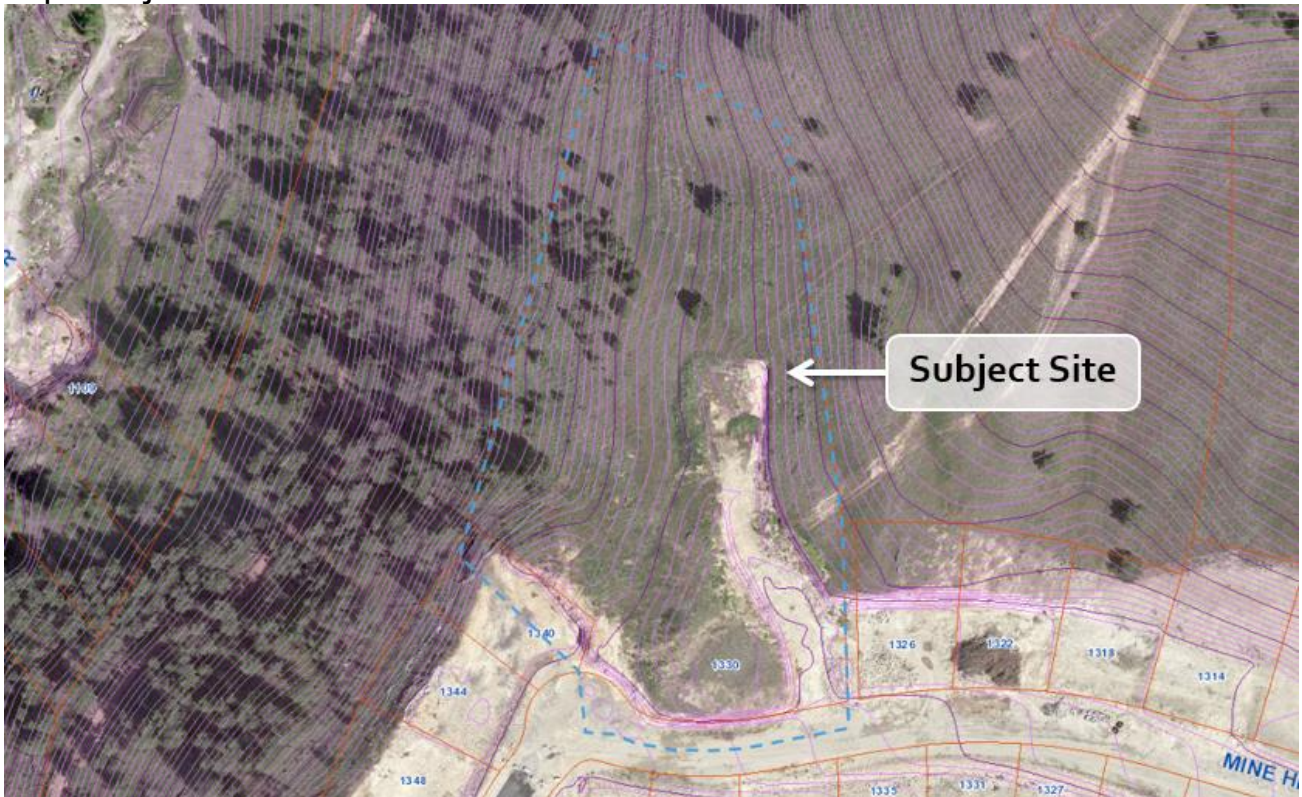
Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 – Parks and Open Space	Natural open space (Mine Hill Park)
East	P3 – Parks and Open Space RU1h – Large Lot Housing (Hillside Area)	Natural open space (Mine Hill Park) Vacant residential lot
South	RU1h – Large Lot Housing (Hillside Area)	Vacant residential lots
West	P3 – Parks and Open Space	Natural open space (Mine Hill Park)

Map 1: Surrounding Context – Future Land Use Designations & Zoning



Map 2: Subject Site



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Policy 5.3.3 Phasing. Require development to proceed in a logical, sequential order, concurrently with availability of required urban services.

Policy 5.15.12 Steep Slopes. Prohibit development on steep slopes (+30% or greater for a minimum distance of 10 metres) except where provided for in ASPs adopted or subdivisions approved prior to adoption of OCP Bylaw 10500.

6.0 Technical Comments

6.1 Development Engineering Department

- All works and services to be addressed at time of subdivision.

6.2 Ministry of Transportation & Infrastructure

- Preliminary approval is granted for the rezoning for one year pursuant to Section 53(3)(a) of the *Transportation Act*.

7.0 Application Chronology

Date of Application Received: November 24, 2016

Date of PLR Application Received: June 2, 2017

Report prepared by: Laura Bentley, Planner II

Reviewed by: Todd Cashin, Suburban & Rural Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Map "A" OCP Amendments

Map "B" Rezoning

Proposed Subdivision Plan

685

Subject Property Notes:

Amend the OCP for a portion of the subject property from Major Park and Open Space (PARK) to Single/Two Unit Residential - Hillside (S2RESH).



(W OF)

1330

1340

1326

1322

1344

1318

1348

MINE HILL DR

1347

134


**MAP "A" OCP AMENDMENT
OCP17-0013**

1352

1356

1370

1378

 PARK to S2RESH

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

0 12.5 25 Metres



Rev. Friday, June 30, 2017

RU1H

Subject Property Notes:

Rezone a portion of the subject properties from RU4h Low Density Cluster Housing (Hillside Area) to RU1h Large Lot Housing (Hillside Area).




P3

RU4H

MINE HILL DR

**MAP "B" PROPOSED ZONING
Z16-0079**

 RU4h to RU1h

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

0 12.5 25 Metres



L:\General Data\Projects\04108-30 - Prospect Phase 3\4-CAD DESIGN-SET\PLR\04108-30-PLR-302.dwg August 11, 2016 Justin VonnPashok

PRELIMINARY LAYOUT REVIEW

REPORT TO COUNCIL



Date: July 24th, 2017

RIM No. 1250-40

To: City Manager

From: Community Planning Department (JR)

Application: LUC17-0001

Owner: Dennis G & Denise C Campbell

Address: 482 Clifton Road

Applicant: Stafford McKergow

Subject: Land Use Contract Discharge

Existing OCP Designation: S2RES – Single Two Unit Residential

Existing Zone: LUC 76-1087

Proposed Zone: RR3 – Rural Residential 3

1.0 Recommendation

THAT Application No. LUC17-0001 to discharge LUC76-1087 from Lot 4 Section 8 Township 23 ODYD Plan KAP28178 Except Plan KAP57178, located at 482 Clifton Road, Kelowna, BC, be considered by Council;
AND THAT the Land Use Contract Discharge be forwarded to a Public Hearing for further consideration;

2.0 Purpose

To discharge the Land Use Contract LUC76-1087 from the subject parcel to facilitate subdivision of one lot into two lots.

3.0 Community Planning

The applicant is proposing to subdivide one residential lot into two lots. However, the parcel is currently under the regulation of a Land Use Contracts (LUC) which does not permit the subdivision of the lot. LUC76-1087 was created in 1977. The LUC permitted the completion of a subdivision of the land to a maximum of 23 parcels within the Clifton area of Kelowna in strict accordance to Attachment 'B'. Therefore, further subdividing is not permitted. The LUC stipulates that the provisions of Zoning Bylaw No. 4500 R1 – Single Family Residential – Low Density regulations will apply to the development of the land. Community Planning staff supports the request to discharge the LUC to enact the underlying zoning of RR3 – Rural Residential 3 as it complies with the 2014 amendment of the Local Government Act. The LUC will be discharged in accordance with Council Policy No. 282 (Strategy for Elimination of Remaining Land Use Contracts).

Development Engineering has confirmed that the subdivision has no implication on municipal servicing.

In conformance with Council Policy #282, Staff will bring a bylaw terminating the Land Use Contract from the remainder 22 parcels within the Clifton Area of Kelowna (LUCT17-0002). This is a separate process from the discharge of an LUC, as termination eliminates the LUC one year after adoption whereas a discharge is immediate.

4.0 Proposal

4.1 Background

The province first experimented with contract zoning in 1971. The Land Use Contract was a tool that entered into use in the 1970's before it was eliminated on November 15th 1978. The purpose of the tool was to allow local governments to arrive at agreements with specific developers to grant development rights over and above what was allowed under current zoning. This was typically done in exchange for commitments by developers to help finance the infrastructure costs of development.

However, issues have arisen, specifically with the continued application of land use contracts as they supersede any subsequent bylaw dealing with land use and development including: Zoning Bylaws, Development Cost Charge Bylaws, and Development Permits. From 1978 to 2014, municipalities or the owners of the land could not unilaterally discharge, cancel, or modify the land use contract without the other party's consent. The Local Government Act was amended in 2014 stating all land use contracts in the province will be terminated as of June 30th 2024. Land use contracts will remain in force until that date. This provides property owners with ten years to complete any development authorized by their land use contract unless the LUC is terminated prior to that date. By June 20th 2022, local governments must have appropriate zoning regulations in place to replace land use contracts upon their termination. However, due to this requirement of the Local Government Act, staff are recommending whenever a property owner applies to change land uses within an LUC, that staff initiate the process to eliminate the whole LUC. This approach will help alleviate the future work load of eliminating and rezoning all LUC's at one time.

In addition, local governments must provide notice to each owner that the termination of land use contract is occurring 1 year after adoption and must provide notice of what the new zoning regulations are that apply to the land.

4.2 Project Description

The applicant is proposing to subdivide one lot into two lots which is an allowable within the RR3 – Rural Residential Zone. The existing LUC needs to be discharged prior to supporting the subdivision.

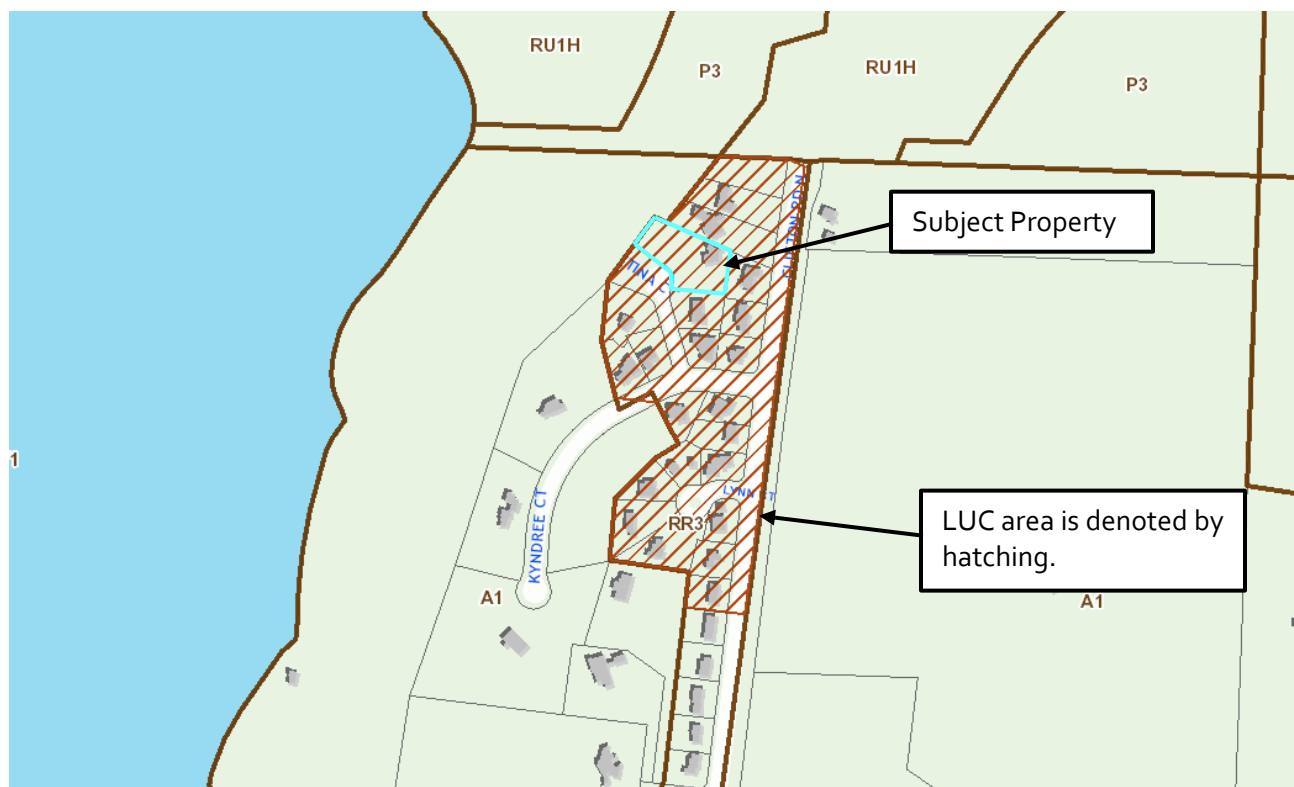
4.3 Site Context

The subject property has a total area of 3153 m² and is located in the Clifton area of Kelowna. The property is designated S2RES – Single / Two Unit Residential in the Official Community Plan and the surrounding area is a residential subdivision. The LUC applies to 23 parcels which front onto Tina Court, Kyndree Court, Lynn Court and Clifton Road North.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	LUC 76-1087 RR ₃ – Rural Residential 3	Single Family Residential
East	LUC 76-1087 RR ₃ – Rural Residential 3	Single Family Residential
South	LUC 76-1087 RR ₃ – Rural Residential 3	Single Family Residential
West	A1 – Agricultural 1	Single Family Residential

Subject Property Map: 482 Clifton Road North



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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

¹ 5.5.2 Development Process – Compact Urban Form

5.2 Council Policy No. 282 – Strategy for Elimination of Remaining Land Use Contracts

- That a Land Use Contract be discharged for any contract where there has been a change in use or density from what it was originally intended by the Land Use Contract;
- That the City of Kelowna initiate proceedings to discharge the contracts subject to consultation with affected owners of the land and subject to prior approval by council with regard to affected contracts;
- That priority be given to terminate Land Use Contracts having a significant financial impact or those Land Use Contract that enable development contrary to the fulfilment of community objectives.

6.0 **Technical Comments**

6.1 Development Engineering Department

- See Attachment A

7.0 **Application Chronology**

Date of Application Received: May 18, 2017

Date Public Consultation Completed: June 21, 2017

Prepared by: Jenna Ratzlaff, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Reviewed by: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Development Engineering Memorandum

Attachment B: Land Use Contract 76-1087

CITY OF KELOWNA
MEMORANDUM

Date: June 6, 2017
File No.: LUC17-0001
To: Land Use Management Department (JR)
From: Development Engineering Manager (SM)
Subject: 482 Clifton Road Lot 4 PLAN 28178 Zoning RR3

Requirements addressed in rezoning file S16-0098-01 must be satisfied prior to the LUC discharge.

The discharge of the Land Use Contract from the subject property does not compromise the Development Services Branch.



Steve Muenz, P. Eng.
Development Engineering Manager

RO

ATTACHMENT		A
This forms part of application		
# LUC17-0001		
Planner Initials	JR	 City of Kelowna COMMUNITY PLANNING

This forms part of application

LUC17-0001



City of
Kelowna
COMMUNITY PLANNING

Planner

Initials

JR

M 17452

C

CITY OF KELOWNA

BY-LAW NO. 1419304

A by-law to authorize the entering into of a Land Use Contract.

WHEREAS Subsection (3) of Section 702A of the "Municipal Act" being Chapter 255 of the Revised Statutes of British Columbia, 1960, provides in part that the Council may, by by-law, notwithstanding any by-law of the municipality, or Section 712 or 713 of the "Municipal Act", enter into a Land Use Contract containing such terms and conditions for the use and development of the land as may be mutually agreed upon, and thereafter the use and development of the land shall, notwithstanding any by-law of the municipality, or Section 712 or 713 of the said Act, be in accordance with the Land Use Contract;

AND WHEREAS the Municipal Council of the City of Kelowna is desirous of entering into a Land Use Contract with R. & E. Enterprises Limited, c/o W.C. Bennett, Bennett Road, R.R. #1, Kelowna, British Columbia.

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

1. The Municipal Council of the City of Kelowna hereby authorizes the City of Kelowna to enter into a Land Use Contract with R. & E. Enterprises Limited, c/o W.C. Bennett, Bennett Road, R.R. #1, Kelowna, British Columbia in the form of a Land Use Contract attached hereto and forming part of this By-Law.
2. His Worship the Mayor and the City Clerk are hereby authorized to sign the attached Land Use Contract as well as any conveyances, deeds, receipts and other documents in connection with the attached Land Use Contract and affix the Corporate Seal of the City of Kelowna to same.
3. This By-Law may be cited for all purposes as the "R. & E. Enterprises Limited Land Use Contract Authorizing By-Law, 1976, No. 4193."

Read a first time by the Municipal Council this 21st day of December, 1976.

Considered at a Public Hearing on the 18th day of January, 1977.

Read a second time by the Municipal Council this 18th day of January, 1977.

Read a third time by the Municipal Council this 18th day of January, 1977.

Reconsidered, finally passed and adopted by the Municipal Council of the City of Kelowna by a vote in favour thereof of at least two-thirds of all /

Registered the MAR 31 1977
19 On Application Received
at the time Written or Stamped
On the Application.

This forms part of application

LUC17-0001

Planner
Initials

JR

City of
Kelowna
COMMUNITY PLANNING

-2-

all the members present this 22 day of March, 1977.

James G. Bell

Acting Mayor

[Signature]

City Clerk

I hereby certify the foregoing to be a true
copy of By-Law No. 4193 as passed by the
Municipal Council of the City of Kelowna on
the 22nd day of March, 1977.

[Signature]

Clerk of the Municipal Council of the City
of Kelowna.

Substitute Forms 'A', 'C', 'D' & 'E'
Particulars

Applicant: *Charles, Tracy, Willy & Eng*

1000 1/2 St. W.
1000 1/2 St. W.

Decision

Nature of the application

Land Use Contract
Duration of *Yes/No*

British Subject

Yes/No

Signature of *[Signature]* /Agent

(LUC-76-1087)



LAND USE CONTRACT

AGREEMENT made the 12th day of NOVEMBER, 1976.

CITY OF KELOWNA,
a municipal corporation having
its offices at 1435 Water Street
in the City of Kelowna, Province
of British Columbia

(hereinafter called the "Municipality")

OF THE FIRST PART

AND:

R & E ENTERPRISES LTD.
a company duly incorporated under
the laws of the Province of British
Columbia, having its office at c/o
W.C. Bennett, Bennett Road, R.R. #1,
Kelowna, British Columbia

(hereinafter called the "Developer")

OF THE SECOND PART

WHEREAS as a result of the mass rezoning carried out in the City of Kelowna following the boundary extensions to the City of Kelowna the Land was zoned to a rural designation but the Council agreed to consider a land use contract to permit completion of a subdivision of the property that had been substantially commenced at the date of the blanket rezoning so as to preserve the value of the property and to avoid imposing an economic hardship upon the Developer;

AND WHEREAS it is acknowledged that this land use contract was agreed upon only because of the extraordinary situation arising out of the mass rezoning that Council of the Municipality deemed to injuriously affect the Developer unless this contract was entered into;

AND WHEREAS the Land has been designated a development area pursuant to Section 702A(2) of the Municipal Act;

OK



-2-

AND WHEREAS the Municipality, pursuant to Section 702A of the Municipal Act, may, notwithstanding any by-law of the Municipality, or Section 712 or 713 of the Municipal Act, enter into a land use contract containing such terms and conditions for the use and development of land as may be agreed upon with a Developer, and thereafter the use and development of the land shall be in accordance with the land use contract;

AND WHEREAS the Municipal Act requires that the Municipal Council consider the criteria set out in Section 702(2) and 702A(1) in arriving at the terms, conditions and consideration contained in a land use contract;

AND WHEREAS the Developer has presented to the Municipality a scheme of use and development of the within described lands and premises that would be in contravention of the new zoning of the Municipality and has requested that the Council of the Municipality enter into this contract under the terms, conditions and for the consideration hereinafter set forth;

AND WHEREAS the Council of the Municipality, having given due consideration to the criteria set forth in Sections 702(2) and 702A(1) of the Municipal Act, have agreed to the terms, conditions and consideration herein contained;

AND WHEREAS the Municipality and the Developer are currently negotiating the turnover of the Developer's water system to the Municipality and the terms and conditions under which other properties owned by the Developer may, at a later date, be serviced and subdivided;

AND WHEREAS the Municipality and the Developer both acknowledge that the Council of the Municipality could not enter into this Agreement, until the Council held a public hearing in relation to this Agreement, and considered any opinions expressed at such hearing, and unless two-thirds of the members of the Council present at the meeting at which the by-law to approve this Agreement is adopted voted in favour of the Municipality entering into this Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the conditions and covenants hereinafter set forth, the Municipality and the Developer covenant and agree as follows:

OWNER

1. The Developer is the registered owner of an estate in fee simple of all and singular that certain parcel or tract of land and premises, situate, lying and being in the City of Kelowna in the Province of British Columbia, and being more particularly known and described as:



-3-

the fractional North West 1/4 of
Section 8
Township 23
Osoyoos Division
Yale District
(except Plan 20895)

D 3.1052F

(herein called the "Land")

CONSENT

2. The Developer has obtained the consent of all persons having a registered interest in the Land as set out in the schedule prefacing the consents to the use and development set forth herein which consents are attached hereto.

DEVELOPMENT

3. The Land may be subdivided strictly in accordance with the Plan of Subdivision annexed hereto as Schedule "A" provided those portions of the Land not contained within the red outline in Schedule "A" may be subdivided only in accordance with the Zoning By-law of the Municipality or a land use contract or written amendment hereto and further provided that each lot and the entire subdivision meet all of the requirements of the Medical Health Officer and all by-laws and subdivision policies of the Municipality in effect as at the date of approval of the subdivision except as herein specifically provided.

COMPLIANCE

4. For the purpose of determining the use of land, including the surface of water, buildings and structures within that portion of the Land outlined in red on Schedule "A" and the regulations of the size, shape and siting of buildings and structures and the provision of off-street parking and other zoning regulations therein that portion of the Land outlined in red on Schedule "A" hereto shall be deemed to be zoned R-1 Single Family Residential as described in City of Kelowna Zoning By-law No. 4500, a copy of which regulations are annexed hereto as Schedule "B" and that portion of the Land outlined in red in Schedule "A" annexed hereto shall be used and developed strictly in compliance with such regulations and the balance of the Land not contained within the red outline in Schedule "A" annexed hereto shall be unaffected by this contract.

CONSTRUCTION

5. The Land shall be developed strictly in accordance with the construction requirements annexed hereto as Schedule "C".

INCORPORATION

6. Schedules "A", "B" and "C" hereinbefore referred to are hereby incorporated into and made a part of this Agreement.

LEGAL FEES

7. The Developer agrees to pay all of the legal costs incurred by the Municipality in the preparation of this contract.



-4-

REPRESENTATION 8. It is understood and agreed that the Municipality has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Developer other than those in this contract.

REGISTRATION 9. This Agreement shall be construed as running with the Land and shall be registered in the Land Registry Office by the Municipality pursuant to the provisions of Section 702A(4) of the Municipal Act.

INTERPRETATION 10. Whenever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context of the parties so require.

BINDING 11. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

A public hearing on this Contract was held on the 18th day of January, 1978.

THIS AGREEMENT WAS APPROVED by the affirmative vote of at least two-thirds of the members of the Council of the Municipality present at the meeting at which the by-law to approve this Agreement was adopted on the 22nd day of March, 1978.

IN WITNESS WHEREOF the said parties to this Agreement have hereunto set their hands and seals the day and year first above written.

THE CORPORATE SEAL OF THE)
CITY OF KELOWNA was hereunto)
affixed in the presence of:

(Seal)

Mayor Acting

Clerk

THE CORPORATE SEAL OF R & E)
ENTERPRISES LTD. was here-)
unto affixed in the presence)
of:

(Seal)

LAND USE CONTRACTSchedule of Persons Having a Registered Interest In the Land Whose Consents Are Required

<u>Full Name</u>	<u>Address</u>	<u>Occupation</u>	<u>Nature of Charge</u>
Bank of Montreal	Kelowna, B.C.		Mortgage L29806

CONSENT

KNOW ALL MEN by these presents that:

Bank of Montreal of
Kelowna, British Columbia being
 the holder of a charge by way of mortgage registered
 in the Land Registry Office at Kamloops under
 Number L29806 against all and singular that certain
 parcel or tract of land and premises being in the City of Kelowna
 in the Province of British Columbia and known and described as:

the fractional North West 1/4 of
 Section 8
 Township 23
 Osoyoos Division
 Yale District
 (except Plan 20895)

in consideration of the sum of One Dollar (\$1.00) hereby agrees and
 consents to the registration of a Land Use Contract, made between
 the registered owner of the said Lands and the City of Kelowna
 dated the 12th day of November 1976, against the aforementioned
 Lands in priority to the said charge in the same manner and to the
 same effect as if it had been dated and registered prior to the said
 charges.

IN WITNESS WHEREOF Bank of Montreal has caused these presents
 to be executed by its duly authorized attorneys at Vancouver, British
 Columbia, this 24th day of November, A.D. 1976.

APPROVED, SIGNED, SEALED AND DELIVERED
 in the presence of:

W. MacLaren
 Manager
 721 Kelowna
 B.C.

Signature

Address

Robert C. Christianson
 13953 113A Ave.
 Surrey, B.C.

Occupation CREDIT OFFICER
 As to both signatures

Van:

Bank of Montreal
 BANK OF MONTREAL
 by its attorneys

ASSISTANT CREDIT MANAGER

CREDIT MANAGER 019720

R-1 SINGLE FAMILY RESIDENTIAL - LOW DENSITYPurpose

The purpose of this zone is to designate and preserve areas for low density, single family residential purposes.

1. Permitted Uses

The following uses and no others shall be permitted in those areas designated by this By-Law as R-1:

A. Principal Uses

- i) Single family residential
- ii) The keeping of not more than two (2) lodgers in each dwelling unit
- iii) Day care centres for not more than five (5) children.

2. Permitted Buildings and Structures

The following buildings and structures and no others shall be permitted in those areas designated by this By-Law as R-1:

- A. One family dwellings
- B. Buildings and structures which are accessory to one family dwellings.

3. Regulations Pertaining to the R-1 Zone

The following regulations apply to every development in all areas designated by this By-Law as R-1:

A. Lot Area

The minimum lot area for a principal building shall be nine thousand (9,000) square feet; (836.43 square metres).

B. Minimum Frontage

The minimum frontage of a lot containing a principal building shall be sixty (60) feet; (18.29 metres).

C. Number of Buildingsi) Principal Buildings

The number of Principal Buildings on a single lot shall not exceed one (1) building.

ii) Accessory Buildings

The number of Accessory Buildings on a single lot shall not exceed two (2) buildings.

D. Heighti) Principal Buildings

The height of Principal Buildings shall not exceed two (2) storeys.

ii) Accessory Buildings

The height of Accessory Buildings shall not exceed twelve (12) feet;
(3.66 metres).

iii) Accessory Structures

The height of Accessory Structures shall not exceed forty (40) feet;
(12.19 metres).

E. Front Yard

Subject to Schedule A of this By-Law, the Front Yard shall have a minimum depth of twenty (20) feet; (6.10 metres). No required off-street parking shall be permitted in the required Front Yard.

F. Side Yard

Subject to Schedule A of this By-Law, each Side Yard shall have a minimum width of five (5) feet; (1.52 metres), except in the case of a corner lot where the Side Yard abuts the flanking street the side yard shall be increased to a minimum width of fifteen (15) feet; (4.57 metres).

G. Rear Yard

Subject to Schedule A of the By-Law, the Rear Yard shall be a minimum of twenty-five (25) feet; (7.62 metres) in depth.

In cases where lot widths exceed lot depths, the Rear Yard may be reduced to a minimum depth of fifteen (15) feet; (4.57 metres) provided that one (1) side yard shall have a width of not less than twenty-five (25) feet; (7.62 metres).

H. Accessory Buildings

Accessory Buildings shall satisfy all provisions set forth in this subsection.

- i) The maximum floor area of Accessory Buildings shall be determined by the ratio of the lot area upon which the Accessory Building is situated to the maximum permitted floor area as follows:

<u>Lot Area</u>	<u>Maximum Floor Area</u>
less than 1 acre (.40 hectares)	750 sq. ft. (69.70 sq. metres)
1 acre (.40 hectares) and over	1000 sq. ft. (92.94 sq. metres)



- ii) If constructed independent of the principal building Accessory Buildings shall meet the following siting regulations:

Accessory Buildings shall not be situated closer to the front street line than the front wall of the principal building which the accessory building serves.

Accessory Buildings shall not be situated less than twenty (20) feet; (6.10 metres) from any street line nor closer than five (5) feet; (1.52 metres) from any interior lot line.

Accessory Buildings shall not occupy more than one-half (1/2) of the width of the rear yard.

- iii) If constructed as part of, or attached to the principal building, Accessory Buildings shall satisfy all siting requirements of this Schedule for principal buildings.

I. Height of Fences

- i) The maximum height of fences along the rear lot line and the portion of the interior side lot line not within the required front yard shall be six (6) feet; (1.83 metres).
- ii) The maximum height of fences in the required front yard or in a side or rear yard abutting a street shall be four (4) feet; (1.22 metres).

J. Minimum Ground Floor Area of Principal Buildings

Principal buildings shall have a minimum ground floor area of not less than seven hundred and fifty (750) square feet; (69.70 square metres).

K. Lot Coverage

Lot coverage by principal buildings and accessory buildings shall not exceed thirty-five (35) per cent of the total lot area.

L. Off-Street Parking

Provision for Off-Street Parking shall be made in accordance with the requirements established in Section 6 of Part III of this By-Law.



L.U.C. NO. 76 - 1087,
OUR FILE NO. S 76 - 10.

SCHEDULE "C"

CONSTRUCTION REQUIREMENTS

The quality of material and workmanship provided for all services and utilities shall be equivalent to City of Kelowna Standards and as approved by the City Engineer.

CONSTRUCTION REQUIREMENTS SHALL INCLUDE:

CLIFTON ROAD:

Reconstruct from the northerly end, south for a distance of 1600'+, and more particularly -

- A) Standard type curb and gutter (6" vertical curb face) on the west side.
- B) 28' hot - mix asphaltic concrete.
- C) Clear an area at curb grade, behind the curb on the west side of Clifton Road sufficient to enable future installation of a 5' wide sidewalk by others. Rough grade boulevard areas.
- D) A 30' radius paved turnaround at the north end.
- E) Storm sewer system including approved run - off control at the southerly end of the curb and gutter sections.
- F) A domestic water system.
- G) Fire protection (hydrants).
- H) Underground wiring (electrical, and communication).
- I) Street name and traffic control signs.
- J) Street lighting.

LYNN COURT :

From Clifton Road west and more particularly -

- A) Rolled type curb and gutter on both sides.
- B) 30' hot mix asphaltic concrete between the curbs.
- C) 44' radius paved cul - de - sac complete with an 18' radius traffic island centered on the bulb.
- D) Rough grade the boulevard area.
- E) Approved drainage facilities.
- F) Domestic water system.
- G) Fire protection (hydrants).
- H) Underground wiring (power and communication).
- I) Street lighting.
- J) Street name and traffic control signs.



L.U.C. - NO. 76 - 1087,

CUR FILE NO. S 76 - 10

.... / 2

KYNDREE COURT:

From Clifton Road west 400' - -

- A) Rolled curb and gutter on both sides.
- B) 30' hot mix asphaltic concrete between the curbs.
- C) Rough grade the boulevard areas.
- D) Storm sewer system.
- E) Domestic water.
- F) Fire protection (hydrants).
- G) Underground wiring (power and communication).
- H) Street lighting.
- I) Street name and traffic control signs.

TINA COURT:

From Kyndree Court - north. -

- A) Rolled type curb and gutter on both sides.
- B) 30' hot mix asphaltic concrete between the curbs.
- C) 40' radius paved cul - de - sac.
- D) Approved drainage facilities.
- E) Domestic water system.
- F) Fire protection (hydrants.)
- G) Underground wiring (power and communication).
- H) Street lighting.
- I) Street name and traffic control sign.

PRIVATE ACCESS ROADS:

Between Lots 3 and 5, and 16 and 17. -

Construct a 16' surface width complete with a 12' width of hot - mix asphalt.

PLAN OF SUBDIVISION OF PART
OF THE FRACTIONAL N.W. 1/4,
SECTION 8, TOWNSHIP 23, O.D.Y.D.
EXCEPT PLAN 20895.

SCALE: 1" = 100'

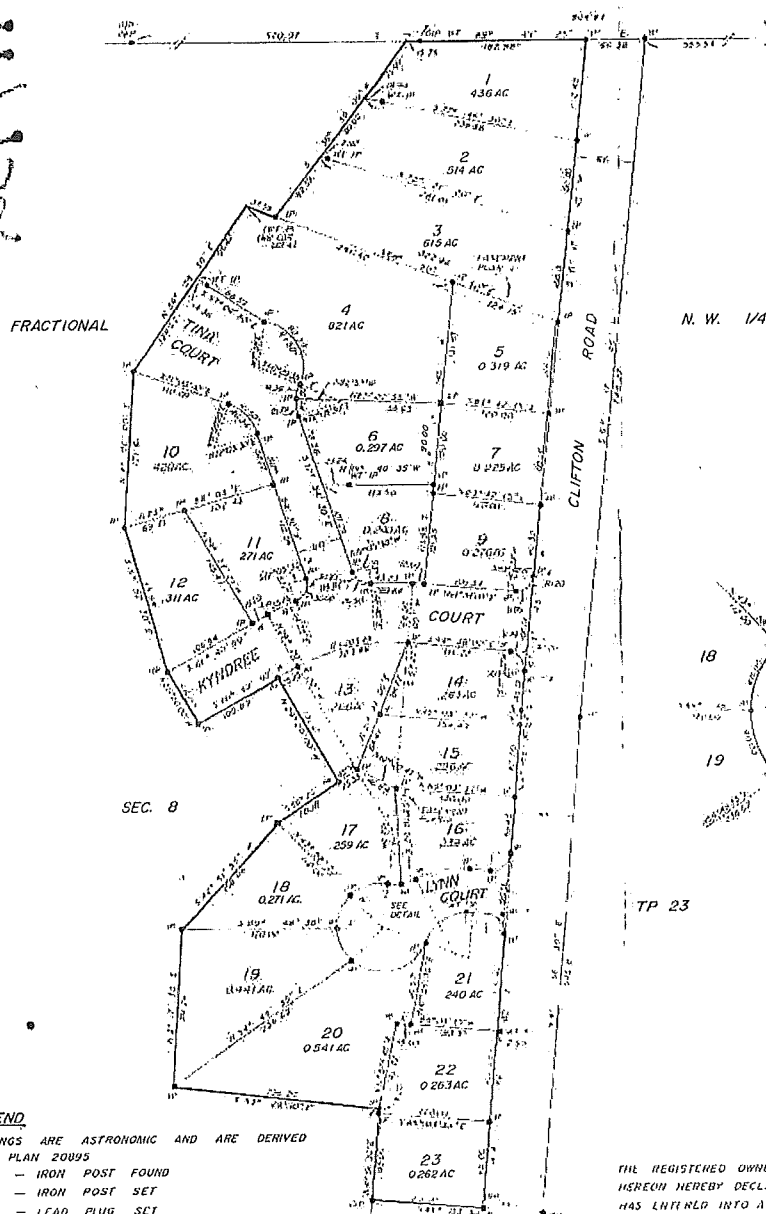
DD M17452

PLAN NO.

DEPOSITED IN THE LAND REGISTRY OFFICE
AT KAMLOOPS, B.C., THIS DAY OF
197

REGISTRAR

SEE PLAN
FRACTIONAL S.W. 1/4 SEC. 17 TP. 23 O.D.Y.D.



ATTACHMENT B

This forms part of application

LUC17-0001

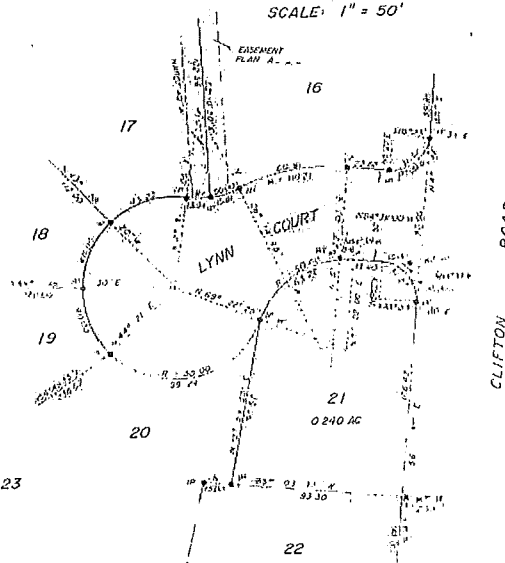
Planner
Initials

JR

City of
Kelowna
COMMUNITY PLANNING



DETAIL
SCALE: 1" = 50'



LEGEND

BEARINGS ARE ASTROMIC AND ARE DERIVED
FROM PLAN 20895

- DIP - IRON POST FOUND
- IP - IRON POST SET
- LP - LEAD PLUG SET
- WWP - WOOD POST FOUND
- OCIP - CAPPED IRON POST FOUND
- WT - WITNESS

APPROVED UNDER THE LAND REGISTRY ACT,
THIS DAY OF 197

APPROVING OFFICER FOR THE
CITY OF KELOWNA

THE REGISTERED OWNER DESIGNATED
HEREIN HEREBY DECLARES THAT IT
HAS ENTERED INTO A CONDITION OR
COVENANT WITH THE MUNICIPALITY
UNDER SEC 24A OF THE LAND REGISTRY
ACT

R B E ENTERPRISES LTD

I, C. W. GEHUE, OF THE CITY OF KELOWNA A BRITISH
COLUMBIA LAND SURVEYOR, MAKE OATH AND SAY THAT I WAS
PRESENT AT AND DID PERSONALLY SUPERVISE THE SURVEY
REPRESENTED BY THIS PLAN AND THAT THE SAME AND
PLAN ARE CORRECT. THE SAID SAME WAS COMPLETED
ON THE 20th DAY OF JANUARY 1976

SWORN BEFORE ME THIS
23rd DAY OF JANUARY
1976

(Signature)
P. BRODIE
AFFIDAVITS FOR BRITISH COLUMBIA

C.W. GEHUE & ASSOCIATES
B.C. LAND SURVEYORS
1450 ST PAUL STREET, KELOWNA