

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, September 12, 2017

6:00 pm

Council Chamber

City Hall, 1435 Water Street

Pages

1. Call to Order

2. Reaffirmation of Oath of Office

The Oath of Office will be read by Councilor Stack.

3. Confirmation of Minutes

1 - 11

Public Hearing - August 29, 2017

Regular Meeting - August 29, 2017

4. Bylaws Considered at Public Hearing

4.1 TA15-0008 (BL11369) - Miscellaneous Housekeeping Text Amendments

12 - 29

To give Bylaw No. 11369 second and third readings in order to harmonize carriage house and accessory building regulations to reduce the need for future variance requests and improve bylaw administration.

4.2 2240, 2250 & 2260 Ethel St, Z17-0035 (BL11453) - JD Nelson & Associates Ltd

30 - 30

To give Bylaw No. 11453 second and third readings in order to rezone the subject property from the RU6 - Two Dwelling Housing zone to the HD2 - Hospital and Health Support Services zone.

4.3 4610 Darin Place, Z17-0054 (BL11463) - Randall Schmidt and Josephine Pirolli

31 - 31

To give Bylaw No. 11463 second and third reading in order to rezone the subject property from RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone.

5. Notification of Meeting

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

6. Development Permit and Development Variance Permit Reports

6.1 1330 St. Paul St, Z16-0067 (BL11338) - Burro Developments Ltd 32 - 32

To adopt Bylaw No. 11338 in order to rezone the subject property from I2 - General Industrial Zone to the C7 - Central Business Commercial Zone.

6.2 1330 St. Paul St, DP16-0246 and DVP16-0247- Burro Developments Ltd 33 - 60

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

To consider a Form & Character Development Permit of a six storey office and retail commercial building as well as to consider 8 variances to the Zoning Bylaw.

6.3 781 Bay Ave, DVP17-0128 - Folio Building Group Inc 61 - 81

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

To consider a Development Variance Permit to vary the internal side yard setback on the subject properties.

7. Reminders

8. Termination



City of Kelowna Public Hearing Minutes

Date: Tuesday, August 29, 2017
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben and Luke Stack

Members Absent Councillor Mohini Singh

Staff Present Deputy City Manager, Joe Creron; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Planner, Adam Cseke; Divisional Director, Community Planning & Strategic Investments, Doug Gilchrist*; Legislative Coordinator (Confidential), Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 6:03 p.m.

Mayor Basran advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

2. Notification of Meeting

The City Clerk advised that Notice of this *Public Hearing* was advertised by being posted on the Notice Board at City Hall on August 15, 2017 and by being placed in the Kelowna Daily Courier issues on Friday August 18, 2017 and Wednesday August 23, 2017 and by sending out or otherwise mailing 193 statutory notices to the owners and occupiers of surrounding properties on August 15, 2017.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

3. Individual Bylaw Submissions

The City Clerk advised that the following correspondence and/or petitions had been received:

Mayor Basran advised that Items 7.1, McClure Road and Item 7.5, 781 Bay Avenue on the Regular Meeting Agenda have been withdrawn by the Applicants.

3.1 Bennett Rd and Paly Rd Land Use Contract Termination - LUCT16-0002 (BL11404)

Staff:

- Displayed a PowerPoint presentation summarizing the Land Use Contract Termination application.

The City Clerk advised that no correspondence had been received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

No one from the Gallery came forward.

There were no further comments

3.2 Clifton Rd N, Lynn Ct, Tina Ct and Kyndree Ct, LUCT17-0002 (BL11451) - Various Owners

Staff:

- Displayed a PowerPoint presentation summarizing the Land Use Contract Termination application.

The City Clerk advised that no correspondence had been received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

No one from the Gallery came forward.

There were no further comments

4. Termination

The Hearing was declared terminated at 6:16 p.m.

Mayor

/acm

City Clerk



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, August 29, 2017
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran*, Councillors Maxine DeHart, Ryan Donn. Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben* and Luke Stack

Members Absent Councillor Mohini Singh

Staff Present Deputy City Manager, Joe Creron; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Planner, Adam Cseke; Divisional Director, Community Planning & Strategic Investments, Doug Gilchrist; Legislative Coordinator (Confidential), Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:16 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor DeHart.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Gray

R693/17/08/29 THAT the Minutes of the Public Hearing and Regular Meeting of August 15, 2017 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Bennett Rd and Paly Rd, LUCT16-0002 (BL11404) - Various Owners

Moved By Councillor Donn/Seconded By Councillor Given

R694/17/08/29 THAT Bylaw No. 11404 be read a second and third time and be adopted.

Carried

4.2 Clifton Rd N, Lynn Ct, Tina Ct and Kyndree Ct, LUCT17-0002 (BL11451) - Various Owners

Moved By Councillor Donn/Seconded By Councillor Given

R695/17/08/29 THAT Bylaw No. 11451 be read a second and third time and be adopted.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these *Development Variance Permit Applications* was given by sending out or otherwise mailing 268 statutory notices to the owners and occupiers of surrounding properties on August 15, 2017.

Notice of a Liquor Primary Licences was advertised by being posted on the Notice Board at City Hall on August 15, 2017, and by being placed in the Kelowna Daily Courier issues on Friday August 18, 2017 and Wednesday August 23, 2017 and by sending out or otherwise mailing 38 statutory notices to the owners and occupiers of surrounding properties on August 15, 2017.

The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

6. Liquor License Application Reports

6.1 109-590 KLO Rd, LL17-0009 - Simple Pursuits Inc

Staff:

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

The City Clerk advised that no correspondence had been received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Craig Moore and Dawne Russell, Applicants

- Responded to questions from Council.
- Confirmed that liquor service will be provided only those hours the establishment is open.
- Explained that there may be some occasions when they host a customer appreciation event and that is the reasoning for the difference between hours of operation and hours requested in licensing application; want to be within the guidelines of licensing so there would never be any infractions.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor Sieben/Seconded By Councillor DeHart

R696/17/08/29 THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 10 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Boutique Esthetics & Tanning Lounge Ltd. for a liquor primary license for Lot A, District Lot 14, ODYD, Plan KAP68556, Except Plan EPP52684, located at 109 – 590 KLO Road, Kelowna, BC for the following reasons:

New Liquor Licensing Laws allow for barbershops, salons, and other establishments to apply for a liquor primary license;

Council Policy No. 359 recommends supporting alternative entertainment options and/or establishments which are less focused on alcohol consumption;

The maximum occupancy is 30 persons which will have minimal on the community

2. Council's comments on LCLB's prescribed considerations are as follows:
Criteria for new liquor primary:

- a. **The location of the establishment:** The location of the establishment is suitable for a small establishment liquor primary license (not located next to any other licensed establishment), and is located within an Urban Centre;
 - b. **The person capacity and hours of liquor service of the establishment:** The hours of liquor service is suitable given the low occupancy of 30 persons;
 - c. **The impact of noise on the community in the immediate vicinity of the establishment:** There is minimal risk of an impact of noise on the community;
 - d. **The impact on the community if the application is approved:** The overall impact on the community will be minimal;
3. Council's comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures."

Carried

7. Development Permit and Development Variance Permit Reports

7.1 WITHDRAWN BY APPLICANT - 4646 McClure Rd, DVP16-0241 - Pillar West Developments Inc.

Mayor Basran advised that this application was withdrawn by the Applicant.

City Clerk advised that public notifications will be re-sent at the applicant's expense.

7.2 614 Barnaby Rd, Z16-0070 (BL11417) - Brent Hancock and Whitney Smith

Moved By Councillor Stack/Seconded By Councillor DeHart

R697/17/08/29 THAT Bylaw No. 11417 be read adopted.

Carried

7.3 614 Barnaby Rd, DVP16-0266 - Whitney Smith

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence had been received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

The Applicant was not present.

Gallery:

Ken Capos, Casorso Road

- Advised that he has submitted an application as a volunteer on the Board of Variance Committee.
- Not opposed to this application, however, believes the lot size is strange from front to rear and suggested that in the future if there are any such significant changes that Council take that into consideration.

There were no further comments

Moved By Councillor Given/Seconded By Councillor Gray

R698/17/08/29 THAT final adoption of Bylaw No. 11417 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0094 for Lot 2 District Lot 357 SDYD Plan 17353, located at 614 Barnaby Rd, Kelowna BC to allow the construction of a carriage house;

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

Section 9.5b.1(c): Carriage House Regulations

To vary the location of a carriage house from the rear yard (permitted) to the front yard (proposed).

Section 9.5b.1(e): Carriage House Regulations

To vary the upper floor area of a carriage house from 75% of the carriage house footprint to 106% proposed.

Section 12.1.6(a): RR1 – Rural Residential 1 Development Regulations

To vary the maximum floor area of a carriage house from 90m² permitted to 106m² proposed.

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

Carried

7.4 3450 McKinley Beach Dr, DVP17-0104 - Acorn Resorts GP

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that the following correspondence had been received:

Letters of Comment:

Jonathan Little, Chocolate Lily Lane
Richard Drinnan, Greene Rd

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

The Applicant was present and available for questions.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor DeHart/Seconded By Councillor Stack

R699/17/08/29 THAT Council authorize the issuance of Development Variance Permit DVP17-0104, for Lot B, Section 29, Township 23, ODYD, Plan EPP67208, located on 3450 McKinley Beach Dr, Kelowna, BC,

AND THAT variances to the following section[s] of Zoning Bylaw No. 8000 be granted:

Schedule 'B' Comprehensive Development Zones – CD18 – 1.3(g) Development Regulations
To vary the required maximum Type 'A' unit size of 150 m² net floor area to 217 m²;

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

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

Carried

7.5 781 Bay Ave, DVP17-0128 - Folio Building Group Inc

Mayor advised that the application has been withdrawn by the Applicant.

Moved By Councillor Stack/Seconded By Councillor Hodge

R700/17/08/29 THAT Council defer Development Variance Permit No. DVP17-0128, 781 Bay Avenue to the Regular Meeting of September 12, 2017.

Carried

7.6 1187 Sunset Dr, BL11423 (Z16-0077) - Sunset Drive Properties Ltd

Councillor Sieben declared a conflict of interest for items 7.6 and 7.7 concurrently as the proposal is in close proximity of a family owned business and departed the meeting at 6:38 p.m.

Moved By Councillor DeHart/Seconded By Councillor Stack

R701/17/08/29 THAT Bylaw No. 11423 be adopted.

Carried

7.7 1187 Sunset Dr, DVP17-0157 & DP17-0154 - Sunset Drive Properties Ltd

Staff:

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

Mayor Basran departed the meeting at 7:13 p.m. and Deputy Mayor Stack to the Chair.

Mayor Basran returned to the meeting at 7:16 p.m.

The City Clerk advised that the following correspondence had been received:

Letters of Concern:

Larry Lefebvre, Sunset Drive

Letters in Support:

Darren Schlamp, Argus Properties Ltd. Manhattan Drive

Letters of Opposition:

John Gough, Sunset Drive

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Leonard Kerkhoff and Russ Watson, Applicant Representatives

- Displayed a PowerPoint presentation re: One Water Street
 - Spoke to the vision and providing:
 - o Significant sense of place, welcoming and interactive in its neighbourhood;
 - o Mixed-use;
 - o Transitional between cultural core and the premium properties of the Sunset Drive residential district.
 - Spoke to the Streetscape Highlights:
 - o Commercial/Residential façade on entire frontage on all 3 major streets;
 - o Plaza at entrances/restaurant spaces;
 - o Innovative treatment of commercial retail storefronts;
 - o Live/work units on Ellis Street.
 - Spoke to The Bench Amenities and Greenspace:
 - o Over 1.3 acres of greenspace and landscape features;
 - o 2 swimming pools and 1 hot tub;
 - o BBQ and gathering areas;
 - o Pickleball court
 - o Dog park.
 - Provided rationale for the height variances in relationship to the building design and noted that:
 - o Improves views from units within the building;
 - o Reduces shadowing on the neighbours compared to shorter wider buildings;
 - o There are no technical engineering restrictions limiting taller buildings;
 - o Provides more greenspace;
 - o Increases the view corridors between the buildings compared to having shorter and wider towers;
 - o Architecturally appealing to have a variety in heights;
 - o This is a key downtown site and by increasing the height allows the development to utilize the site to the highest and best use within the context of the City.
 - Spoke to the economic benefits:
 - o Development Cost Charges in excess of \$6,000,000 to the City of Kelowna;
 - o Local employment during construction and on completion;
 - o Generate more business for local businesses, shops, restaurants and services in the area by promoting the City centre;
 - o Attraction of new services and business professionals to the new office spaces;
 - o Keep local residents wishing to downsize into downtown.
- Spoke to the benefits to the community;
- o Mixed-use provides affective retail commercial space;
 - o Improvements to City infrastructure;
 - o Fills shortage of residential housing;
 - o Animates the Cultural District;
 - o Professional, licensed childcare facility.
- Architect and Marketing Consultant are available for questions.
 - Responded to questions from Council.

Gallery:

Patrick Doyle, Sunset Drive

- Opposed to this application.
- Raised serious concerns that there are more than 1,000 households within 400 m of the project and will be increasing the density with an additional 400 units by 50 to 60 percent.
- Raised concern that existing residential resident concerns are not being taken into account.
- Raised concerns with existing traffic volume that will increase with this development.
- Raised concerns with parking volume exiting onto Ellis Street or Sunset Drive.
- Raised concerns with shadowing and commented that the shadowing in real time opposed to video displayed goes a lot slower.
- Suggested that Council give more thought to the area residents.

Ken Capos, Casorso Road

- Complimented staff and developer on their presentations.
- Read from a previously submitted letter raising concerns with public notice.
- Made comment on having related items on the same Council agenda with presumption of approval by Council.
- Raised concerns the negative impact this development will have on Knox Mountain sight lines as well as flight paths and suggested Transport Canada should be consulted.
- Read from recent media articles regarding the application.
- Encouraged Council to defer the application to obtain additional information.
- Suggested the rental terms of units be increased to 3 months as opposed to a monthly rental.
- Encouraged Council to negotiate more favourable financial benefits for the City.

City Clerk:

- Confirmed that notification requirements had been met.
- Commented that public notice for development variance permit applications are different than those for Public Hearing applications.
- Commented that public and media often use the term "public hearing" when referring to both Public Hearing or a Regular Council meeting and that this can cause misunderstandings.

There were no further comments

Moved By Councillor Donn/Seconded By Councillor Stack

R702/17/08/29 THAT final adoption of Rezoning Bylaw No. 11423 (Z16-0077) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0154 for Lot 1, District Lot 139, ODYD Plan KAP76304, located at 1187 Sunset Dr, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;
5. That the outstanding conditions set out in Attachment "A" attached to the Report from the Community Planning Department dated August 15th 2017;
6. That a land use covenant protecting the use of the daycare be registered on title.

AND THAT Council authorize the issuance of Development Variance Permit DVP17-0157 for Lot 1, District Lot 139, ODYD Plan KAP76304, located at 1187 Sunset Dr, Kelowna, BC;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 14.7.5 Development Regulations (b)

To vary the maximum height of a building from 22 metres to 119 metres for the south tower and 98 metres for the north tower.

Section 14.7.5 Development Regulations (h)

To vary the setback above the 16.0 height mark for the north tower from 3.0 metres to 0.56 metres.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit applications in order for the permits to be issued;

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

Carried
Councillor Hodge - Opposed

Councillor Seiben rejoined the meeting at 8:08 p.m.

7.8 2126 Long St, HAP17-0009 - Nicholas and Patricia Balfour

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence had been received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

The Applicant was present and available for questions.

No one from the Gallery came forward.

There were no further comments

Moved By Councillor Given/Seconded By Councillor Hodge

R703/17/08/29 THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP17-0009 for Strata Lot 2 District Lot 14 ODYD Strata Plan EPS1754 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, located at 2126 Long St, Kelowna, BC subject to the following:

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

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

Section 13.6.6 (h): RU6 – Two Dwelling Housing Development Regulations

To vary the required minimum rear yard from 7.5 m permitted to 2.1 m proposed.

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

Carried

7.9 945 Guy St, TUP16-0003-01 - Tolko Industries Ltd

Staff:

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

The City Clerk advised that no correspondence had been received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

The Applicant was present and available for questions.

Gallery:

Ken Capos, Casorso Road

- Made comment on the Agenda items and timing which give the impression that there is a bias for the applicants.
- Believes Development Variance applications should be advertised the same as Public Hearing items.
- Raised concerns that Council is holding meetings on such significant applications in late summer affecting public attendance.

City Clerk:

- Reviewed the process for Agenda items.

There were no further comments

Moved By Councillor Given/Seconded By Councillor Gray

R704/17/08/29 THAT Council authorizes the extension of Temporary Use Permit No. TUP16-0003-01 to allow for the existing building to continue to be used as a marketing and sales centre for the proposed One Water Development under construction for Lot D, District Lot 139. O.D.Y.D., Plan KAP71362 located at 945 Guy Street, Kelowna, B.C. for a three (3) year period commencing from the date of Council approval, subject to the following conditions:

- a) The dimensions and siting of the temporary use on the land be in general accordance with Schedule "A";

AND FURTHER THAT there is no opportunity to extend the Temporary Use Permit.

Carried

8. Reminders

Staff:

- Recommended that Council direct staff to place the Freedom's Door application as the first item on the September 19, 2017 Public Hearing Agenda.

Moved By Councillor Sieben/Seconded By Councillor Hodge

R705/17/08/29 THAT Council direct staff to place the Freedom's Door application as the first item on the September 19, 2017 Public Hearing Agenda.

Carried

9. Termination

The meeting was declared terminated at 8:24 p.m.

Mayor

/acm

City Clerk

CITY OF KELOWNA
BYLAW NO. 11369
TA15-0008 – Miscellaneous Housekeeping Zoning Bylaw No. 8000
Text Amendments

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

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

1. THAT **Section 2 – Interpretation, 2.3 General Definitions , CARRIAGE HOUSE** be deleted that reads:

CARRIAGE HOUSE means an additional dwelling unit located within a building that is subordinate to the principal dwelling unit and is a single real estate entity.

And replaced with:

CARRIAGE HOUSE means a **dwelling** unit located within a **building** that is subordinate to the principal **building** on the **lot** and is not an **accessory building or structure**. It shall be a **use** secondary only to the **principal use** of **single dwelling housing**.

2. AND THAT **Section 6 – General Development Regulations, 6.5 Accessory Development** be deleted in its entirety and replaced with a new **6.5 Accessory Development** as attached to and forming part of this bylaw;
3. AND THAT **Section 9 – Specific Use Regulations, 9.5 Secondary Suite and Carriage House, 9.5b Carriage House Regulations** be deleted in its entirety and replaced with a new **9.5b Carriage House Regulations** as attached to and forming part of this bylaw;
4. AND THAT **Section 11 – Agricultural Zones, 11.1 A1 – Agriculture 1 Zone, 11.1.4 Buildings and Structures Permitted** sub-paragraph (d) be deleted in its entirety that reads:

"(d) carriage house (permitted only on properties that have a 'c' designated sub-zone)"

and replace with a new **11.1.4 Buildings and Structures Permitted** sub-paragraph (d) that reads:

"(d) one **carriage house** (A1c only)"

5. AND THAT **Section 11 – Agricultural Zones, 11.1 A1 – Agriculture 1 Zone, 11.1.6 Buildings and Structures Permitted** sub-paragraph (a) be deleted in its entirety that reads:

"a) The maximum **site coverage** is 10% for residential **development** (inclusive of **agri-tourist accommodation**), and it is 35% for **agricultural structures** except it may be increased to 75% for greenhouses with closed wastewater and storm water management systems.

Site coverage of accessory **buildings** or **structures** and **carriage houses** shall not exceed a combined 14%. The maximum floor area of a carriage house shall be 90 m² or 75% of the total floor area of the principal building. The maximum floor area of a carriage house may increase to a maximum of 100 m² only if the carriage house is limited to one (1) storey in height and is less than 75% of the total floor area of the principal building."

and replace with a new **11.1.4 Buildings and Structures Permitted** sub-paragraph (a) that reads:

"(a) The maximum **site coverage** is 10% for residential **development** (inclusive of **agri-tourist accommodation**), and it is 35% for **agricultural structures** except it may be increased to 75% for **greenhouses and plant nurseries** with closed wastewater and storm water management systems."

6. AND THAT **Section 11 – Agricultural Zones, 11.1 A1 – Agriculture 1 Zone, 11.1.6 Development Regulations** sub-paragraph (b) be deleted in its entirety that reads:

"(b) The maximum **height** is the lesser of 9.5 m or 2 ½ **storeys**, except it is 16.0m for **agricultural structures** and 6.0m for **accessory buildings or carriage house**."

and replace with a new **11.1.6 Development Regulations** sub-paragraph (b) that reads:

"(b) The maximum **height** is the lesser of 9.5 m or 2 ½ **storeys**, except it is 16.0 m for **agricultural structures** and it is 6.0 m for **accessory buildings or structures**."

7. AND THAT **Section 11 – Agricultural Zones, 11.1 A1 – Agriculture 1 Zone, 11.1.6 Development Regulations** sub-paragraph (e) be deleted in its entirety that reads:

"(e) The minimum **rear yard** is 10.0 m, except it is 3.0 m for **accessory buildings** and a **carriage house**. A **carriage house** must be located no closer than 4.5 m to the principal **dwelling** and no further than 10m from the principal **dwelling**."

and replace with a new **11.1.6 Development Regulations** sub-paragraph (e) that reads:

"(e) The minimum **rear yard** is 10.0 m, except it is 3.0 m for **accessory buildings or structures**."

8. AND THAT **Section 11 – Agricultural Zones, 11.1 A1 – Agriculture 1 Zone, 11.1.7 Other Regulations** sub-paragraph (g) be deleted in its entirety that reads:

"(g) A carriage house must not be closer than 3.0m to an existing principal building."

9. AND THAT **Section 11 – Agricultural Zones, 11.1 A1 – Agriculture 1 Zone, 11.1.7 Other Regulations** sub-paragraph (i) be deleted in its entirety that reads:

"(i) A **mobile home** may be considered a **carriage house** only in an A1c – Agricultural 1 with Carriage House zone."

10. AND THAT **Section 12 – Rural Residential Zones, 12.1 RR1 – Rural Residential 1 zone, 12.1.4 Building and Structures Permitted** sub-paragraph (c) be deleted in its entirety that reads:

"(c) **carriage house** (permitted only on properties that have a 'c' designated sub-zone)"

and replace with a new **12.1.4 Building and Structures Permitted** sub-paragraph (c) that reads:

"(c) one **carriage house** (RR1c only)"

11. AND THAT **Section 12 – Rural Residential Zones, 12.1 RR1 – Rural Residential 1 zone, 12.1.6 Development Regulations** sub-paragraph (a) be deleted in its entirety that reads:

"(a) The maximum **site coverage** is 10%, except that it is 50% for **greenhouses and plant nurseries**."

Site coverage of accessory **buildings** or **structures** and **carriage house** shall not exceed a combined 14%. The maximum floor area of a carriage house shall be 90 m² or 75% of the total floor area of the principal building. The maximum floor area of a carriage house may increase to a maximum of 100 m² only if the carriage house is limited to one (1) storey in height and is less than 75% of the total floor area of the principal building.”

and replace with a new **12.1.6 Development Regulations** sub-paragraph (a) that reads:

“(a) The maximum **site coverage** is 10%, except that it is 50% for **greenhouses and plant nurseries**.”

12. AND THAT **Section 12 – Rural Residential Zones, 12.1 RR1 – Rural Residential 1 zone, 12.1.6 Development Regulations** sub-paragraph (b) be deleted in its entirety that reads:

“(b) The maximum **height** is the lesser of 9.5m or 2 ½ storeys, except it is 6.0m for accessory buildings, carriage house, and accessory structures.”

and replace with a new **12.1.6 Development Regulations** sub-paragraph (a) that reads:

“(b) The maximum **height** is the lesser of 9.5 m or 2 ½ **storeys**.”

13. AND THAT **Section 12 – Rural Residential Zones, 12.1 RR1 – Rural Residential 1 zone, 12.1.6 Development Regulations** sub-paragraph (e) be deleted in its entirety that reads:

“(e) The minimum **rear yard** is 10.0 m, except it is 3.0 m for accessory **buildings**.”

and replace with a new **12.1.6 Development Regulations** sub-paragraph (a) that reads:

“(e) The minimum **rear yard** is 10.0 m.”

14. AND THAT **Section 11 – Agricultural Zones, 11.1 A1 – Agriculture 1 Zone, 11.1.7 Other Regulations** sub-paragraph (f) be deleted in its entirety that reads:

“(f) A “c” notation shown on Schedule “A” as part of the identified **zone** classification indicates that a **secondary use** in the form of a secondary **dwelling** unit is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. A “c” zoning classification on a property shall be established by rezoning the subject property to the “c” version of the parent **zone**.”

and replace with a new **11.1.7 Other Regulations** sub-paragraph (f) that reads:

“(f) A “c” notation shown on Schedule “A” as part of the identified **zone** classification indicates that a **secondary use** in the form of a **carriage house** is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. A “c” zoning classification on a property shall be established by rezoning the subject property to the “c” version of the parent **zone**.”

15. AND THAT **Section 12 – Rural Residential Zones, 12.1 RR1 – Rural Residential 1 zone, 12.1.7 Other Regulations** sub-paragraph (g) be deleted in its entirety that reads:

“(g) A **carriage house** must not be closer than 3.0m to an existing principal building.”

16. AND THAT **Section 12 – Rural Residential Zones, 12.2 RR2 – Rural Residential 2 zone, 12.2.4 Building and Structures Permitted** sub-paragraph (c) be deleted in its entirety that reads:

“(c) **carriage house** (permitted only on properties that have a ‘c’ designated sub-zone)”

and replace with a new **12.2.4 Building and Structures Permitted** sub-paragraph (c) be deleted in its entirety that reads:

"(c) one **carriage house** (RR2c only)"

17. AND THAT **Section 12 – Rural Residential Zones, 12.2 RR2 – Rural Residential 2 zone, 12.2.6 Development Regulations** sub-paragraph (a) be deleted in its entirety that reads:

"(a) The maximum **site coverage** is 20%, except that it is 50% for **greenhouses and plant nurseries**.

Site coverage of accessory **buildings** or **structures** and **carriage house** shall not exceed a combined 14%. The maximum floor area of a carriage house shall be 90 m² or 75% of the total floor area of the principal building. The maximum floor area of a carriage house may increase to a maximum of 100 m² only if the carriage house is limited to one (1) storey in height and is less than 75% of the total floor area of the principal building."

and replace with a new **12.2.6 Development Regulations** sub-paragraph (a) be deleted in its entirety that reads:

"(a) The maximum **site coverage** is 20%, except that it is 50% for **greenhouses and plant nurseries**."

18. AND THAT **Section 12 – Rural Residential Zones, 12.2 RR2 – Rural Residential 2 zone, 12.2.6 Development Regulations** sub-paragraph (b) be deleted in its entirety that reads:

"(b) The maximum **height** for principal buildings is the lesser of 9.5m or 2 ½ storeys. The maximum **height** for **accessory buildings** / structures is 4.5m. The maximum **height** for **carriage houses** is 4.8m."

and replace with a new **12.2.6 Development Regulations** sub-paragraph (b) be deleted in its entirety that reads:

"(b) The maximum **height** is the lesser of 9.5 m or 2 ½ **storeys**."

19. AND THAT **Section 12 – Rural Residential Zones, 12.2 RR2 – Rural Residential 2 zone, 12.2.6 Development Regulations** sub-paragraph (e) be deleted in its entirety that reads:

"(e) A "c" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a secondary **dwelling** unit is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. A "c" zoning classification on a property shall be established by rezoning the subject property to the "c" version of the parent **zone**."

and replace with a new **12.2.6 Development Regulations** sub-paragraph (e) be deleted in its entirety that reads:

"(e) 12.2.7 Other Regulations (g) A "c" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a **carriage house** is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. A "c" zoning classification on a property shall be established by rezoning the subject property to the "c" version of the parent **zone**."

20. AND THAT **Section 12 – Rural Residential Zones, 12.2 RR2 – Rural Residential 2 zone, 12.2.6 Development Regulations** sub-paragraph (f) be deleted in its entirety that reads:
- “(f) The minimum **rear yard** is 9.0 m, except it is 3.0 m for accessory **buildings**.”
- and replace with a new **12.2.6 Development Regulations** sub-paragraph (f) be deleted in its entirety that reads:
- “(f) The minimum **rear yard** is 9.0 m.”
21. AND THAT **Section 12 – Rural Residential Zones, 12.2 RR2 – Rural Residential 2 zone, 12.2.7 Other Regulations** sub-paragraph (f) be deleted in its entirety that reads:
- “(f) A **carriage house** must not be closer than 3.0m to an existing principal building.”
22. AND THAT **Section 12 – Rural Residential Zones, 12.3 RR3 – Rural Residential 2 zone, 12.3.3 Secondary Uses** sub-paragraph (c) be deleted in its entirety that reads:
- (c) **carriage homes** (RR3c only)
- and replace with a new **12.3.3 Secondary Uses** sub-paragraph (f) be deleted in its entirety that reads:
- (c) **carriage house** (RR3c only)
23. AND THAT **Section 12 – Rural Residential Zones, 12.3 RR3 – Rural Residential 2 zone, 12.3.4 Buildings and Structures Permitted** sub-paragraph (c) be deleted in its entirety that reads:
- “(c) **carriage house** (permitted only on properties that have a ‘c’ designated sub-zone)”
- and replace with a new **12.3.4 Buildings and Structures Permitted** sub-paragraph (c) be deleted in its entirety that reads:
- “(c) one **carriage house** (RR3c only)”
24. AND THAT **Section 12 – Rural Residential Zones, 12.3 RR3 – Rural Residential 2 zone, 12.3.6 Development Regulations** sub-paragraph (a) be deleted in its entirety that reads:
- “(a) The maximum **site coverage** is 30%.
- Site** coverage of accessory **buildings** or **structures** and **carriage house** shall not exceed a combined 14%. The maximum floor area of a carriage house shall be 90 m² or 75% of the total floor area of the principal building. The maximum floor area of a carriage house may increase to a maximum of 100 m² only if the carriage house is limited to one (1) storey in height and is less than 75% of the total floor area of the principal building.”
- and replace with a new **12.3.6 Development Regulations** sub-paragraph (a) be deleted in its entirety that reads:
- “(a) The maximum **site coverage** is 30%.”
25. AND THAT **Section 12 – Rural Residential Zones, 12.3 RR3 – Rural Residential 2 zone, 12.3.6 Development Regulations** sub-paragraph (a) be deleted in its entirety that reads:

"(b) The maximum height for principal buildings is the lesser of 9.5m or 2 ½ storeys. The maximum height for accessory buildings / structures is 4.5m. The maximum height for carriage houses is 4.8m."

and replace with a new , **12.3.6 Development Regulations** sub-paragraph (b) be deleted in its entirety that reads:

"(b) The maximum **height** is the lesser of 9.5 m or 2 ½ **storeys**."

26. AND THAT **Section 12 – Rural Residential Zones, 12.3 RR3 – Rural Residential 2 zone, 12.3.6 Development Regulations** sub-paragraph (e) be deleted in its entirety that reads:

"(e) The minimum **rear yard** is 7.5 m, except it is 1.5 m for accessory **buildings**. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5 m provided that one **side yard** shall have a minimum width of 4.5 m."

and replace with a new , **12.3.6 Development Regulations** sub-paragraph (e) be deleted in its entirety that reads:

"(e) The minimum **rear yard** is 7.5 m. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5 m provided that one **side yard** shall have a minimum width of 4.5 m."

27. AND THAT **Section 12 – Rural Residential Zones, 12.3 RR3 – Rural Residential 2 zone, 12.3.7 Other Regulations** sub-paragraph (c) be deleted in its entirety that reads:

"(c) A "c" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a secondary **dwelling** unit is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. A "c" zoning classification on a property shall be established by rezoning the subject property to the "c" version of the parent **zone**."

and replace with a new , **12.3.7 Other Regulations** sub-paragraph (c) be deleted in its entirety that reads:

"(c) A "c" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a **carriage house** is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. A "c" zoning classification on a property shall be established by rezoning the subject property to the "c" version of the parent **zone**."

28. AND THAT **Section 12 – Rural Residential Zones, 12.3 RR3 – Rural Residential 2 zone, 12.3.7 Other Regulations** sub-paragraph (d) be deleted in its entirety that reads:

"(d) A **carriage house** must not be closer than 3.0m to an existing principal building."

29. AND THAT **Section 13 – Urban Residential Zones, 13.1 RU1 – Large Lot Housing Zones, 13.1.3 Secondary Uses** sub-paragraph (c) be deleted in its entirety that reads:

"(c) **carriage homes** (RU1c only)"

and replace with a new , **13.1.3 Secondary Uses** sub-paragraph (c) be deleted in its entirety that reads:

"(c) **carriage house** (RU1c and RU1hc only)"

30. AND THAT **Section 13 – Urban Residential Zones, 13.1 RU1 – Large Lot Housing Zones, 13.1.4 Buildings and Structures Permitted** sub-paragraph (c) be deleted in its entirety that reads:

“(c) **carriage house** (permitted only on properties that have a ‘c’ designated sub-zone)”

and replace with a new , **13.1.4 Buildings and Structures Permitted** sub-paragraph (c) be deleted in its entirety that reads:

“(c) one **carriage house** (RU1c and RU1hc only)”

31. AND THAT **Section 13 – Urban Residential Zones, 13.1 RU1 – Large Lot Housing Zones, 13.1.6 Development Regulations** sub-paragraph (a) be deleted in its entirety that reads:

“(a) The maximum **site coverage** is 40% and together with driveways and parking areas, shall not exceed 50%.

For all accessory buildings or structures and carriage houses:

- The maximum combined lot coverage of all accessory **buildings** or **structures** and **carriage houses** shall not exceed 14%.
- The maximum combined area of all accessory **buildings / structures** and **carriage houses** (e.g. footprint size) shall not exceed 90 m².
- The maximum net floor area of a carriage house shall not exceed 90 m².
- The maximum net floor area of all carriage houses (including 1 storey carriage houses) shall not exceed 75% of the total net floor area of the principal dwelling.
- If a development contains a carriage house and if the height of all the accessory buildings / structures, and carriage house are limited to one (1) storey then the following bonus applies:
 - The maximum combined lot coverage of all accessory **buildings / structures** and **carriage houses** may be increased to a maximum of 20%
 - The maximum combined area of all accessory **buildings / structures** and **carriage houses** (e.g. footprint size) may be increased to a maximum of 130 m² subject to:
 - The maximum area (e.g. footprint size) of a carriage house shall not exceed 100 m².
 - The maximum area (e.g. footprint size) of all accessory buildings / structures (including garages) shall not exceed 50 m².”

and replace with a new , **13.1.6 Development Regulations** sub-paragraph (a) be deleted in its entirety that reads:

“(a) The maximum **site coverage** is 40% and together with driveways and parking areas, shall not exceed 50%.”

32. AND THAT **Section 13 – Urban Residential Zones, 13.1 RU1 – Large Lot Housing Zones, 13.1.6 Development Regulations** sub-paragraph (b) be deleted in its entirety that reads:

“(b) The maximum height for principal **buildings** shall be:

- i. 9.5 m or 2 ½ **storeys** whichever is the lesser; or
- ii. 2 ½ storeys in the RU1h zone and where any vertical wall element facing a front, flanking **street** or **rear yard** (including **walkout basements**) is the lesser of 6.5 m or 2 **storeys**, above which the **building** shall be stepped back at least 1.2 m; and
- iii. 4.5 m for **accessory buildings or structures**.”

and replace with a new , **13.1.6 Development Regulations** sub-paragraph (b) be deleted in its entirety that reads:

“(b) The maximum **height** for principal **buildings** is:

- i. 9.5 m or 2 ½ **storeys** whichever is the lesser; or

- ii. 2 ½ storeys in the RU1h zone and where any vertical wall element facing a **front, flanking street** or **rear yard** (including **walkout basements**) is the lesser of 6.5 m or 2 **storeys**, above which the **building** shall be stepped back at least 1.2 m.”

- 33. AND THAT **Section 13 – Urban Residential Zones, 13.1 RU1 – Large Lot Housing Zones, 13.1.6 Development Regulations** sub-paragraph (e) be deleted in its entirety that reads:

“(e) The minimum **rear yard** is 7.5 m, except it is 1.5 m for accessory **buildings**. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5 m provided that one **side yard** shall have a minimum width of 4.5 m.”

and replace with a new , **13.1.6 Development Regulations** sub-paragraph (b) be deleted in its entirety that reads:

“(e) The minimum **rear yard** is 7.5 m. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5 m provided that one **side yard** shall have a minimum width of 4.5 m.”

- 34. AND THAT **Section 13 – Urban Residential Zones, 13.1 RU1 – Large Lot Housing Zones, 13.1.6 Development Regulations** sub-paragraph (f) be deleted in its entirety that reads:

“(f) For RU1h zones, the maximum **height** of any vertical wall element facing a front, flanking street or rear yard (including walkout basements) is the lesser of 6.5 m or 2 **storeys**, above which the **building** must be stepped back at least 1.2m.”

- 35. AND THAT **Section 13 – Urban Residential Zones, 13.1 RU1 – Large Lot Housing Zones, 13.1.7 Other Regulations** sub-paragraph (b) be deleted in its entirety that reads:

“(b) A “c” notation shown on Schedule “A” as part of the identified **zone** classification indicates that a **secondary use** in the form of a secondary **dwelling** unit is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. A “c” zoning classification on a property shall be established by rezoning the subject property to the “c” version of the parent **zone**.”

and replace with a new , **13.1.7 Other Regulations** sub-paragraph (b) be deleted in its entirety that reads:

“(b) A “c” notation shown on Schedule “A” as part of the identified **zone** classification indicates that a **secondary use** in the form of a **carriage house** is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. A “c” zoning classification on a property shall be established by rezoning the subject property to the “c” version of the parent **zone**.”

- 36. AND THAT **Section 13 – Urban Residential Zones, 13.1 RU1 – Large Lot Housing Zones, 13.1.7 Other Regulations** sub-paragraph (c) be deleted in its entirety that reads:

“(c) A **carriage house** must not be closer than 3.0m to an existing principal building.”

and replace with a new , **13.1.7 Other Regulations** sub-paragraph (c) be deleted in its entirety that reads:

- 37. AND THAT **Section 13 – Urban Residential Zones, 13.2 RU2 – Medium Lot Housing Zones, 13.2.4 Buildings and Structures Permitted** sub-paragraph (c) be deleted in its entirety that reads:

“(c) **carriage house** (permitted only on properties that have a ‘c’ designated sub-zone)”

and replace with a new , **13.2.4 Buildings and Structures Permitted** sub-paragraph (c) be deleted in its entirety that reads:

“(c) one **carriage house** (RU2c and RU2hc only)”

38. AND THAT **Section 13 – Urban Residential Zones, 13.2 RU2 – Medium Lot Housing Zones, 13.2.6 Development Regulations** sub-paragraph (a) be deleted in its entirety that reads:

“(a) The maximum **site coverage** is 40% and together with driveways and parking areas, shall not exceed 50%.

For all accessory buildings or structures and carriage houses:

- The maximum combined lot coverage of all accessory **buildings** or **structures** and **carriage houses** shall not exceed 14%.
- The maximum combined area of all accessory **buildings / structures** and **carriage houses** (e.g. footprint size) shall not exceed 90 m².
- The maximum net floor area of a carriage house shall not exceed 90 m².
- The maximum net floor area of all carriage houses (including 1 storey carriage houses) shall not exceed 75% of the total net floor area of the principal dwelling.
- If a development contains a carriage house and if the height of all the accessory buildings / structures, and carriage house are limited to one (1) storey then the following bonus applies:
 - The maximum combined lot coverage of all accessory **buildings / structures** and **carriage houses** may be increased to a maximum of 20%
 - The maximum combined area of all accessory **buildings / structures** and **carriage houses** (e.g. footprint size) may be increased to a maximum of 130 m² subject to:
 - The maximum area (e.g. footprint size) of a carriage house shall not exceed 100 m².
 - The maximum area (e.g. footprint size) of all accessory buildings / structures (including garages) shall not exceed 50 m².”

and replace with a new , **13.2.6 Development Regulations** sub-paragraph (c) be deleted in its entirety that reads:

“(a) The maximum **site coverage** is 40% and together with driveways and parking areas, shall not exceed 50%.”

39. AND THAT **Section 13 – Urban Residential Zones, 13.2 RU2 – Medium Lot Housing Zones, 13.2.6 Development Regulations** sub-paragraph (b) be deleted in its entirety that reads:

“(b) The maximum height for principal **buildings** shall be:

- 9.5 m or 2 ½ **storeys** whichever is the lesser; or
- 2 ½ storeys in the RU2h zone and where any vertical wall element facing a front, flanking **street** or **rear yard** (including **walkout basements**) is the lesser of 6.5 m or 2 **storeys**, above which the **building** shall be stepped back at least
- 1.2 m; and
- 4.5 m for **accessory buildings or structures**.”

and replace with a new , **13.2.6 Development Regulations** sub-paragraph (b) be deleted in its entirety that reads:

“(b) The maximum **height** for principal **buildings** is:

- i. 9.5 m or 2 ½ **storeys** whichever is the lesser; or

- ii. 2 ½ **storeys** in the RU2h zone and where any vertical wall element facing a **front, flanking street** or **rear yard** (including **walkout basements**) is the lesser of 6.5 m or 2 **storeys**, above which the **building** shall be stepped back at least 1.2 m.”

40. AND THAT **Section 13 – Urban Residential Zones, 13.2 RU2 – Medium Lot Housing Zones, 13.2.6 Development Regulations** sub-paragraph (e) be deleted in its entirety that reads:

“(e) The minimum **rear yard** is 6.0 m for a 1 or 1 ½ **storey** portion of a **building** and 7.5 m for a 2 or 2 ½ **storey** portion of a **building**, except it is 1.5 m for **accessory buildings**. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5 m provided that one **side yard** shall have a minimum width of 4.5 m.”

and replace with a new , **13.2.6 Development Regulations** sub-paragraph (e) be deleted in its entirety that reads:

“(e) The minimum **rear yard** is 6.0 m for a 1 or 1 ½ **storey** portion of a **building** and 7.5 m for a 2 or 2 ½ **storey** portion of a **building**. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5 m provided that one **side yard** shall have a minimum width of 4.5 m.”

41. AND THAT **Section 13 – Urban Residential Zones, 13.2 RU2 – Medium Lot Housing Zones, 13.2.7 Other Regulations** sub-paragraph (d) be deleted in its entirety that reads:

“(d) A “c” notation shown on Schedule “A” as part of the identified **zone** classification indicates that a **secondary use** in the form of a secondary **dwelling** unit is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. A “c” zoning classification on a property shall be established by rezoning the subject property to the “c” version of the parent **zone**.”

and replace with a new , **13.2.6 Other Regulations** sub-paragraph (d) be deleted in its entirety that reads:

“(d) A “c” notation shown on Schedule “A” as part of the identified **zone** classification indicates that a **secondary use** in the form of a **carriage house** is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. A “c” zoning classification on a property shall be established by rezoning the subject property to the “c” version of the parent **zone**.”

42. AND THAT **Section 13 – Urban Residential Zones, 13.2 RU2 – Medium Lot Housing Zones, 13.2.7 Other Regulations** sub-paragraph (e) be deleted in its entirety that reads:

“(e) A **carriage house** must not be closer than 3.0m to an existing principal building.”

43. AND THAT **Section 13 – Urban Residential Zones, 13.6 RU6 – Two Dwelling Housing Zones, 13.6.4 Buildings and Structures Permitted** sub-paragraph (f) be deleted in its entirety that reads:

“(f) **carriage house**”

and replace with a new , **13.6.4 Buildings and Structures Permitted** sub-paragraph (f) be deleted in its entirety that reads:

“(f) one **carriage house**”

44. AND THAT **Section 13 – Urban Residential Zones, 13.6 RU6 – Two Dwelling Housing Zones, 13.6.6 Development Regulations** sub-paragraph (b) be deleted in its entirety that reads:

“(b) For all accessory buildings or structures and carriage houses:

- The maximum combined lot coverage of all accessory **buildings or structures and carriage houses** shall not exceed 14%.
- The maximum combined area of all accessory **buildings / structures and carriage houses** (e.g. footprint size) shall not exceed 90 m².
- The maximum net floor area of a carriage house shall not exceed 90 m².
- The maximum net floor area of all carriage houses (including 1 storey carriage houses) shall not exceed 75% of the total net floor area of the principal dwelling.
- If a development contains a carriage house and if the height of all the accessory buildings / structures, and carriage house are limited to one (1) storey then the following bonus applies:
 - The maximum combined lot coverage of all accessory **buildings / structures and carriage houses** may be increased to a maximum of 20%
 - The maximum combined area of all accessory **buildings / structures and carriage houses** (e.g. footprint size) may be increased to a maximum of 130 m² subject to:
 - The maximum area (e.g. footprint size) of a carriage house shall not exceed 100 m².
 - The maximum area (e.g. footprint size) of all accessory buildings / structures (including garages) shall not exceed 50 m².”

45. AND THAT **Section 13 – Urban Residential Zones, 13.6 RU6 – Two Dwelling Housing Zones, 13.6.6 Development Regulations** sub-paragraph (d) be deleted in its entirety that reads:

“(d) The maximum height for accessory buildings / structures is 4.5m.”

46. AND THAT **Section 13 – Urban Residential Zones, 13.6 RU6 – Two Dwelling Housing Zones, 13.6.6 Development Regulations** sub-paragraph (e) be deleted in its entirety that reads:

“(e) The maximum height for carriage houses is 4.8 m.”

47. AND THAT **Section 13 – Urban Residential Zones, 13.6 RU6 – Two Dwelling Housing Zones, 13.6.6 Development Regulations** sub-paragraph (h) be deleted in its entirety that reads:

“(h) The minimum site rear yard is 7.5 m, except it is 1.5 m for accessory buildings. Where the lot width exceeds the lot depth, the minimum rear yard is 4.5 m provided that one side yard shall have a minimum width of 4.5 m.”

and replace with a new , **13.6.6 Development Regulations** sub-paragraph (h) be deleted in its entirety that reads:

“(h) The minimum **rear yard** is 7.5 m. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5 m provided that one **side yard** shall have a minimum width of 4.5 m.”

48. AND THAT **Section 13 – Urban Residential Zones, 13.6 RU6 – Two Dwelling Housing Zones, 13.6.7 Development Regulations** sub-paragraph (b) be deleted in its entirety that reads:

"(b) A carriage house must not be closer than 3.0m to an existing principal building."

49. AND THAT **Section 13 – Urban Residential Zones, 13.7 RM1 – Four Dwelling Housing Zones, 13.7.4 Buildings and Structures Permitted** sub-paragraph (a) be deleted in its entirety that reads:

"(a) carriage house"

and replace with a new , **13.6.6 Development Regulations** sub-paragraph (h) be deleted in its entirety that reads:

"(a) one carriage house"

50. AND THAT **Section 13 – Urban Residential Zones, 13.7 RM1 – Four Dwelling Housing Zones, 13.7.6 Development Regulations** sub-paragraph (c) be deleted in its entirety that reads:

"(c) The maximum height is the lesser of 9.5 m or 2 ½ storeys, except it is 4.5 m for accessory buildings and structures."

and replace with a new , **13.7.6 Development Regulations** sub-paragraph (c) be deleted in its entirety that reads:

"(c) The maximum height is the lesser of 9.5 m or 2 ½ storeys."

51. AND THAT **Section 13 – Urban Residential Zones, 13.7 RM1 – Four Dwelling Housing Zones, 13.7.6 Development Regulations** sub-paragraph (f) be deleted in its entirety that reads:

"(f) The minimum site rear yard is 6.0 m for a 1 or 1 ½ storey portion of a building and 7.5 m for a 2 or 2 ½ storey portion of a building, except it is 1.5 m for accessory buildings."

and replace with a new , **13.7.6 Development Regulations** sub-paragraph (f) be deleted in its entirety that reads:

"(f) The minimum rear yard is 6.0 m for a 1 or 1 ½ storey portion of a building and 7.5 m for a 2 or 2 ½ storey portion of a building."

52. AND THAT **Section 17 – Health District Zones, 17.2 HD2 – Hospital and Health Support Services, 17.2.5 Development Regulations** sub-paragraph (b) be deleted in its entirety that reads:

"17.2.5.2 (b) The maximum height is the lesser of 9.5 m or 2 ½ storeys, except it is 4.5m for accessory buildings (which may contain a carriage house.)"

and replace with a new , **13.7.6 Development Regulations** sub-paragraph (f) be deleted in its entirety that reads:

"17.2.5.2 (b) The maximum height is the lesser of 9.5 m or 2 ½ storeys, except it is 4.5 m for accessory buildings or structures."

53. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 24th day of April, 2017.

Amended at first reading by the Municipal Council this 14th day of August, 2017.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

6.5 Accessory Development

6.5.1 General Regulations

- (a) No person shall erect or permit to be erected a satellite dish, radio or television mast in a residential **zone** that is:
 - i. Located in a required **front** or **side yard** or projects over any **lot line**; and
 - ii. Higher than the **height** permitted for any **accessory structure** in that **zone** unless the property owner or tenant holds a current Amateur Radio License issued by Industry Canada.

6.5.2 Accessory Buildings in Non-Residential Zones

- (a) An **accessory building or structure** in any non-residential **zone** is subject to the **development** regulations for that **zone**.
- (b) Notwithstanding Section 6.5.2(a), an **accessory building or structure** on a **lot** in a non-residential **zone** which abuts a **lot** in a residential **zone** shall not be less than 1.5 m from the boundary of the **lot** in a residential **zone**.
- (c) Notwithstanding Section 6.5.2(a), one half bathroom with a toilet and sink is permitted to a maximum area of 3 m². Bedrooms and / or full bathrooms are not permitted within an **accessory building or structure**, except one full bathroom is permitted in an **accessory building or structure** used exclusively as a pool house.

6.5.3 Accessory Buildings in Residential Zones

- (a) In urban residential **zones**, the maximum **site coverage** for accessory buildings is the lesser of 14% or a footprint 90 m².
- (b) In rural residential **zones**, the maximum **site coverage** for accessory buildings is 14%, except that it is 10% in the RR1 **zone**.
- (c) The maximum **height** is 4.8 m, except it is 6.0 m in the RR1 **zone**.
- (d) The minimum **front yard** is 9.0 m, except in the RR1, RR2 and RR3 zones the minimum **front yard** is 12.0 m. For **double fronting lots**, the minimum **front yard** shall be in accordance with the regulations for a principal **building** in that **zone**.
- (e) The minimum **side yard** is 1.5 m, except:
 - i. for an **accessory building or structure** on an **interior lot line** and with a **gross floor area** of less than 10 m² and a **height** of less than 2.0 m there is no minimum **side yard**; and
 - ii. for mechanical equipment on an **interior lot line** the minimum **side yard** is 1.2 m, except it is 0.2 m in the RU2 and RU3 **zones**.
- (f) The minimum **rear yard** is 1.5 m, except where there is a rear **lane** the minimum **rear yard** is 0.9 m, and in the RR1 and RR2 **zones** the minimum **rear yard** is 3.0 m.
- (g) The minimum distance to the principal **dwelling** is 3.0 m, except if the **gross floor area** of the **accessory building** is less than 20 m², the minimum distance is 1.0 m.

- (h) One half bathroom with a toilet and sink is permitted to a maximum area of 3 m². Bedrooms and / or full bathrooms are not permitted, except one full bathroom is permitted in an **accessory building or structure** used exclusively as a pool house.

9 Specific Use Regulations

9.5 Secondary Suite and Carriage House

9.5b Carriage House Regulations

9.5b.1 Development Regulations in Residential, Health District and Comprehensive Development Zones

- (a) In urban residential, health district and comprehensive development **zones**, where all **accessory buildings** or **carriage houses** are one **storey** in height, the maximum combined **site coverage** of a **carriage house** and all **accessory buildings or structures** is the lesser of 20% or 130 m² and the maximum footprint is 100 m² for a **carriage house** and the maximum footprint is 50 m² for all **accessory buildings or structures**.
- (b) In urban residential, health district and comprehensive development **zones**, where any carriage houses or accessory structures are greater than one storey in height, the maximum combined **site coverage** of a **carriage house** and all **accessory buildings or structures** is the lesser of 14% or 90 m².
- (c) In rural residential **zones**, where all **accessory buildings** or **carriage houses** are one **storey** in height, the maximum combined **site coverage** of a **carriage house** and all **accessory buildings or structures** is the lesser of 20% and the maximum footprint is 100 m² for a **carriage house** and the maximum footprint is 50 m² for all **accessory buildings or structures**.
- (d) In rural residential **zones**, where any carriage houses or accessory structures are greater than one storey in height, the maximum combined **site coverage** of a **carriage house** and all **accessory buildings or structures** is 14%.
- (e) The maximum **net floor area** is the lesser of 100 m² for a single storey carriage house, or 90 m² for a carriage house greater than 1 storey, to a maximum of 75% of the **net floor area** of the principal **dwelling**.
- (f) The maximum upper storey floor area is 75% of the carriage house footprint area..
- (g) The maximum **height** is the lesser of 4.8 m or the **height** of the principal **dwelling**, as measured to the midpoint, except it is the lesser of 6.0 m or the **height** of the principal **dwelling**, as measured to the midpoint in the RR1 **zone**.
- (h) The minimum **front yard** is 9.0 m, except in the RR1c, RR2c and RR3c zones the minimum **front yard** is 12.0 m. For **double fronting lots**, the minimum **front yard** shall be in accordance with the regulations for a principal **building** in that **zone**.
- (i) The minimum **side yard** is 1.5 m.

- (j) The minimum **rear yard** is 1.5 m, except where there is a rear **lane** the minimum **rear yard** is 0.9 m, and in the RR1c and RR2c **zones** the minimum **rear yard** is 3.0 m.
- (k) The minimum distance to a principal **dwelling** is 3.0 m.

9.5b.2 Development Regulations in Agricultural Zones

- (a) The maximum **site coverage** is 90 m², except it is 100 m² if a **carriage house** is limited to one **storey**.
- (b) The maximum **net floor area** is the lesser of 90 m² or 75% of the **net floor area** of the principal **dwelling**.
- (c) The maximum **height** is 6.0 m.
- (d) The minimum **front yard** is 12.0 m except for **double fronting lots**. For **double fronting lots**, a **carriage house** shall be sited in accordance with the regulations for a **single detached house** in that zone.
- (e) The minimum **side yard** is 3.0 m, except it is 4.0 m from a **flanking street**.
- (f) The minimum **rear yard** is 3.0 m.
- (g) The minimum distance to a principal **dwelling** is 4.5 m and the maximum distance is 10.0 m.

9.5b.3 Other Regulations

- (a) A **carriage house** shall be connected to a community sanitary sewer unless the **lot** is at least 1.0 ha and meets the requirements of the **City** and the Medical Health Officer for septic disposal capacity.
- (b) A **carriage house** shall not be stratified.
- (c) In **residential zones**, a **carriage house** shall not be permitted on the same **lot** as a **boarding and lodging house**, a **bed and breakfast home** or a **group home**.
- (d) A minimum of 30 m² of **private open space** shall be provided per **dwelling** unit. The **private open space** shall have a direct connection to a **carriage house** entrance and be defined from other **private open space** with the use of **landscaping**.
- (e) A lit pathway shall be provided between the **front lot line** and a **carriage house** entrance, except it is not required in agricultural **zones** or **rural residential zones**.
- (f) A pathway shall be provided between the on-site **carriage house parking space** and a **carriage house** entrance.
- (g) A **mobile home** may be considered a **carriage house** only in agricultural **zones** where a **carriage house** is permitted.
- (h) In addition to the regulations listed in this Section, other regulations may apply. These include the general **development** regulations of Section 6, the **landscaping**

and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific **use** regulations of Section 9.

CITY OF KELOWNA
BYLAW NO. 11453
Z17-0035 – 2240, 2250 & 2260 Ethel Street

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 22, 23 and 24 District Lot 136 ODYD Plan 11811 located on Ethel Street, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the HD2 – Hospital and Health Support Services zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 14th day of August, 2017.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11463
Z17-0054 – 4610 Darin Place

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 5 District Lot 357 ODYD Plan KAP57058 located on Darin Place, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 28th day of August, 2017.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11338
Z16-0067– Burro Developments Ltd., Inc. No. BCo971320
1330 St. Paul Street

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 16, District Lot 396, ODYD, Plan 6454 located on St. Paul Street, Kelowna, B.C., from the I2 – General Industrial Zone to the C7 – Central Business Commercial Zone;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 9th day of January, 2017.

Considered at a Public Hearing on the 24th day of January, 2017.

Read a second and third time by the Municipal Council this 24th day of January, 2017.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: Sept 12, 2017

RIM No. 09400-00 & 0940-50

To: City Manager

From: Community Planning Department (AC)

Application: DP16-0246 & DVP16-0247 **Owner:** Burro Developments Ltd.
BC0971320.

Address: 1330 St Paul St **Applicant:** Andrew Gaucher & Steve
Huculiak

Subject: Development Permit & Development Variance Permit Application

OCP Designation: MXR – Mixed Use (Residential/Commercial)

Zone: C7 – Central Business Commercial

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11338 (Z16-0067) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP16-0246 for Lot 16, District Lot 139, ODYD Plan 645, located at 1330 St Paul St, Kelowna, BC, subject to the following:

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

AND THAT Council authorize the issuance of Development Variance Permit DVP16-0247 for Lot 16, District Lot 139, ODYD Plan 645, located at 1330 St. Paul Street, Kelowna, BC;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 14.7.5 Development Regulations (h)

1. To vary the setback above the 16.0 height mark for the front yard from 3.0 metres to 0.77 metres.
2. To vary the setback above the 16.0 height mark for the side yard (north) from 4.0 metres to 0.025 metres.
3. To vary the setback above the 16.0 height mark for the side yard (south) from 4.0 metres to 2.72 metres.

4. To vary the setback above the 16.0 height mark for the rear yard from 3.0 metres to 0.61 metres.

Section 8.1.11 Size and Ratio (a)

5. To vary the two-way drive aisle with from 7.0m to 6.0m.

Section 8.1.11 Size and Ratio (a)

6. To vary the extra width of a parking stall when the parking stall abuts an obstruction from 0.2m to 0.0m.

Section 8.1.11 Size and Ratio (b)

7. To vary the maximum ratio of compact car parking spaces from 10% to 24.2%.

Section 8 Table 8.2 Loading Schedule

8. To vary the required number of loading spaces from 2 spaces to zero spaces.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit applications in order for the permits to be issued;

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

2.0 Purpose

To consider a Form & Character Development Permit of a six storey office and retail commercial building as well as to consider 8 variances to the Zoning Bylaw.

3.0 Community Planning

3.1 Development Permit

Staff are recommending support for the proposed Development Permit due to the proposal's consistency with the majority of the Official Community Plan's (OCP) urban design guidelines. The applicant has worked with City staff to review and refine the proposed building design which included a number of design revisions recommended by Staff.

The positive design features of this application that are congruent with the urban design guidelines are:

- 1) The building has three distinct sections: a top, a middle, and a bottom and the applicant has provided a positive design in each category.
 - a. The top of the building contributes positively to the visual interest with plenty of rooftop trees and landscaping visible from street view. Staff's preference would be to have an architectural feature or some overhang feature to frame the top of the building. The landscaping does an adequate job of this but landscaping is not as permanent as architectural features would be.
 - b. The 'middle' of the building contains a series of different building materials and large amounts of glazing to provide visual interest. The angled portion of the building at the south-east corner provides a visually distinct and architecturally unique design compared to other building designs downtown. The addition of the second floor parkade helps greatly with the parking stalls available to tenants, however, Staff strongly recommended that the parkade not be exposed on the St. Paul frontage. The applicant concurred and located offices between the 2nd floor parking and the street façade.

- c. The ground floor level provides a pleasant pedestrian experience with plenty of glazing as recommend by the OCP design guidelines. The north-east corner of the building is setback at the ground floor to provide a distinctive main entrance and to enhance the pedestrian experience for building users and passing pedestrians.
- 2) The applicant has added a 2nd floor of parking which reduces their parking shortfall to 4 stalls with the addition of a car elevator. The developer will provide cash-in-lieu for those 4 parking stalls and at \$22,500 per stall, the total amount owed would be \$90,000. The developer is also encouraging alternative transportation methods for the office and commercial tenants by providing extra secure (Class 1) bike storage facilities as well as providing a shower and change room areas (end of trip facilities).
- 3) The building is only six stories in height within an area of the downtown slated for the tallest buildings in Kelowna according to the C7 height map. However, to achieve that height multiple properties would need to be consolidated in order to achieve an efficiently designed parkade. The applicant has indicated that further land acquisition is not possible at this time for this project. While the project will not be as tall as the downtown C7 height map suggests, the proposal is significantly taller than adjacent properties and will contribute to an interesting streetscape and urban environment.

3.2 Development Variance Permit

The variance to increase the amount of compact car stalls by 24.2% is considered relatively minor, especially in consideration with the variance to reduce the minimum drive aisle width from 7 metres to 6 metres and the variance to reduce the extra stall width when abutting an obstruction. These variances will inherently make the parkade feel tight and discourage the use of large vehicles or trucks. Further, by adding additional secure bike storage areas, a shower, and change rooms, the applicant is encouraging alternate transportation methods to get to and from work.

Staff does not feel loading spaces should be applied to office buildings as there is not significant demand for loading trucks. Minor and infrequent loading can occur from the street (i.e. on-street parking area).

There are four variances related to the required setback above 16 metres. Generally, the 16 metre mark before a setback is required was intended for large tower and podium projects. The tower and its associated podium would need to have the setback in order to create a pedestrian friendly streetscape environment. This principal generally applies to mid-rise buildings too. However, in this case, this project is seen as an exception due to the narrow width of the building and the limited mass of the building. As soon as a building gets wider and/or the massing increase and assuming no setbacks then the negative impact and overall detriment to the pedestrian environment increases.

4.0 **Proposal**

4.1 **Project Description**

The proposal is to build a mixed-use commercial development with ground floor retail, two level parkade, and upper floor offices. The current proposal is to have a six storey building that contains 1,860 m² (approx. 20,020 ft²) of commercial space.

During the rezoning process, there was concern with the amount of parking provided for the development. The applicant has always intended to pay cash-in-lieu for the shortfall in parking. The initial design proposal provided 13 parking stalls (with 12 cash-in-lieu stalls). The current proposal added an extra floor in height for additional office space but also added a second floor parkade. The parking now contains 28 stalls (with 5 cash-in-lieu stalls).

The building materials contain white, neutral, and accent colour panels with natural finish aluminium windows. The trim is accented with wood finish features, soffit, wall panels, and interiors. Floors two to six employ a triangular feature of curtainwall the chamfers the floor plates (south-east and north-west corners) providing a strong design signature at the same time creating unique interior spaces. The roof top patio deck is animated with outdoor activity and gestures of greenery. Planters are arranged around the roof perimeter. The rooftop patio will for tenants and guests only.

The retail at street level is designed to accommodate 1-2 tenants with floor to ceiling storefront glazing. The boulevard is intended to be developed with landscaping, sidewalk bike parking, patterned pavers, and potential café seating. Signage will be refined and intentional within the architectural design as per the attached drawings. On-street parking will be removed in favour of a wider sidewalk and landscape area which should not only benefit this development but also the overall street.

The second floor contains approximately 2,000 ft² of office space that overlooks the sidewalk with operable folding windows. A car elevator accessible from the lane serves the second floor parking making great use of limited space by avoiding ramps.

The third, fourth, fifth, and sixth floors will contain class 'A' office space. Class 'A' office space is typically within the most prestigious buildings, has the most amenities, and is situated in the best locations. Generally, these buildings usually have a professional manager, good access, and are typically located in highly visible areas on high traffic streets. Due to the exceptional quality, Class 'A' office space is usually leased to reputable tenants at the highest rental rates in the market.

The owner's current intention is to have a 'virtual office' company to secure a long term lease. Potentially the users will be made up of a variety of business's sharing common aspects: reception at 2nd floor, meeting rooms, roof top deck, lunchroom, wifi, and workstations.

4.2 Site Context

The subject property is located at the east side of St Paul Street between Cawston Avenue & Doye Avenue. The site is also located between two mixed use projects; Ellis Courtyard located to the west and St Paul Place located to the east.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7 – Central Business Commercial, I2 – General Industrial	MXR – Mixed Use (Residential / Commercial)
East	C7 – Central Business Commercial, P1 – Major Institutional	MXR – Mixed Use (Residential / Commercial) EDINST – Educational / Institutional
South	C7 – Central Business Commercial	MXR – Mixed Use (Residential / Commercial)
West	C7 – Central Business Commercial	MXR – Mixed Use (Residential / Commercial)

Subject Property Map: 1330 St. Paul**4.3 Zoning Analysis Table**

The zoning analysis table shows the requirements of the C7 zone compared to the proposal:

Zoning Analysis Table		
CRITERIA	C7 ZONE REQUIREMENTS	PROPOSAL
For portion of building between 0.0 metres & 16.0 metres in height		
Front Yard (St Paul)	0.0 m	1.07 m
Side Yard (North)	0.0 m	0.025 m
Side Yard (South)	0.0 m	0.025 m
Rear Yard (Lane)	0.0 m	0.61 m
Floorplate	No restriction	650 m ²
For portion of building between 16.0 metres & above in height		
Front Yard (St Paul)	3.0 m	0.77 m ❶
Side Yard (North)	4.0 m	0.025 m ❷
Side Yard (South)	4.0 m	2.72 m ❸
Rear Yard (Lane)	3.0 m	0.61 m ❹
Floorplate	1,221 m ²	486.4 m ²

Zoning Analysis Table		
CRITERIA	C7 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Height	76.5m (approx.. 26 storeys)	26.5 m (6 storeys)
FAR	9.0	2.86
Parking Regulations		
Minimum Parking Requirements	33 parking stalls	29 parking stalls (4 cash-in-lieu stalls)
Two-drive aisle minimum	7.0m	6.0m ❶
Min. Loading Spaces	2 stalls	0 stalls ❷
Ratio of Parking Stalls	Small Parallel: n/a Compact Size: 10% Max Medium Size: 40% Max Regular Size: 50% Min	Small Parallel: 5 stalls Compact Size: 24.2% (7 Stalls) ❸ Medium Size: 6.9% (2 Stalls) Regular Size: 51.7% (15 Stalls)
Additional Parking Stall width when adjacent to an obstruction	0.2m	0.0m ❹
Minimum Bicycle Parking Requirements	Class 1: 4 bikes Class 2: 12 bikes	Class 1: 13 bikes Class 2: 12 bikes
Other Regulations		
Minimum frontage for commercial, civic, cultural, or ground oriented residential on 1 st floor	90%	100%
❶ Variance to reduce the front yard setback for portions of building between 16.0 metres & above in height ❷ Variance to reduce the side yard (north) setback for portions of building between 16.0 metres & above in height ❸ Variance to reduce the side yard (south) setback for portions of building between 16.0 metres & above in height ❹ Variance to reduce the rear yard setback for portions of building between 16.0 metres & above in height ❺ Variance to reduce the minimum drive aisle width ❻ Variance to reduce the minimum number of loading spaces ❼ Variance to increase the maximum ratio of compact vehicle stalls ❽ Variance to decrease the extra stall width requirement when adjacent to an obstruction.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: 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.

Contain Urban Growth.² Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

Housing Mix.³ Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

Objective 5.5: Ensure appropriate and context sensitive built form.

Building Height.⁴ In determining appropriate building height, the City will take into account such factors as:

- Contextual fit into the surrounding neighbourhood;
- Shadowing of the public realm;
- View impacts;
- Overlook and privacy impact on neighbouring buildings;
- Impacts on the overall skyline;
- Impacts on adjacent or nearby heritage structures;

Chapter 4: Land Use Designation Massing and Height.³

- Mitigate the actual and perceived bulk of buildings by utilizing appropriate massing, including:
- Architectural elements (e.g. balconies, bay windows, cantilevered floors, cupolas, dormers);
- Visually-interesting rooflines (e.g. variations in cornice lines and roof slopes);
- Step back upper floors to reduce visual impact;
- Detailing that creates a rhythm and visual interest along the line of the building;
- Wall projections and indentations, windows and siding treatments as well as varied material textures should be utilized to create visual interest and to articulate building facades;
- Building frontages that vary architectural treatment in regular intervals in order to maintain diverse and aesthetically appealing streets.

Chapter 14: Urban Design Guidelines Amenities, ancillary Services and Utilities.⁵

- Locate loading, garbage, storage, utilities and other ancillary services away from public view. All such areas shall be screened and designed as an integral part of the building to minimize impact;
- Create attractive rear alley facades with high quality materials on buildings facing residential areas (e.g. rear building entrances, windows, balconies, plazas, and plantings).

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

² City of Kelowna Official Community Plan, Goals for a Sustainable Future, Objective 1 (Chapter 1 Introduction)

³ City of Kelowna Official Community Plan, Policy 5.27.11 (Development Process Chapter)

⁴ City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

⁵ City of Kelowna Official Community Plan, Chapter 14 Urban Design Development Permit Areas, Guidelines

Chapter 14: Decks, balconies, rooftops, and common outdoor amenity space.⁵

- Incorporate decks, balconies and common outdoor amenity spaces into developments;
- Integrate vents, mechanical rooms and equipment, and elevator penthouses with the architectural treatment of the roof, and/or screen these elements with materials and finishes compatible with the building's design;

Chapter 14: Signs.⁵

- Integrate signage that contributes to the overall quality and unique character of a development (e.g. coordinate proportion, materials, and colour);
- Do not compromise the scale and visual qualities of a building with the size and number of signs.
- Locate, size, and format signs such that they can be easily read by pedestrians.

6.0 Technical Comments

6.1 Building & Permitting Department

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s).
- 2) Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- 3) A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.
- 4) Geotechnical and Structural pier review(s) may be required prior to issuance of any Building permits. Requirements to be established at time of Building Permit application.
- 5) HPO (Home Protection Office) approval or release is required at time of Building Permit application.
- 6) Requirements of the City of Kelowna fire prevention regulations bylaw No. 10760 for buildings 6 stories and greater are to be shown on the building permit drawings. Please add these to the requirements outlined in BCBC 3.2.6 for High Buildings
- 7) A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
 - a. Any alternative solution must be accepted by the Chief Building Inspector prior to the release of the Building Permit.
 - b. Location, Heights, Colors of mechanical systems and the required screening are to be determined at time of DP
 - c. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - d. The Garbage and Recycling must have a fire separation system and cannot block access to exit.
 - e. Main floor exit stairwell requires a door at the bottom of the exit stair shaft
 - f. skylights offset from upper floors are required to meet the minimum distance as defined in BCBC
 - g. Roof top area will be defined as an A2 Occupancy which will affect exiting (panic hardware required, so no exterior lockable doors at this level), the code analysis which will affect the fire separations and the mechanical engineer needs to provide protection for the plumbing from freezing.
- 8) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. This property borders the Okanagan flood plain limits of a minimum

Geodetic Elevation of 343.66 meters. This minimum elevation is required for all habitable spaces including the parking garage(s). Minimum building elevations are required to be established prior to the release of the Development Permit or alternative approval from the subdivision approving officer as per section 5.3 of the bylaw is required prior to issuance of any building permits. If the Architect, Mechanical Engineer and Structural Engineer decide to water proof the foundation the drawings submitted for permit application must clearly define the details for protection of the walls and slab.

- 9) We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties. Any damage to adjacent properties is a civil action which does not involve the city directly. The items of potential damage claims by adjacent properties are items like settlement of foundations (preload), damage to the structure during construction, undermining & underpinning of existing foundation, additional snow drift on neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work, water infiltration systems, etc.
- 10) An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units and all corridors, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits, spatial calculation for any windows in exit stairs, etc.
- 11) Washroom requirements for base building are to be addressed in the building permit application. This will be addressed at time of building permit application.
- 12) Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- 13) Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings for the enclosed parking level. The location and noise from these units should be addressed at time of Development Permit.
- 14) Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s) / area(s). The drawings submitted for building permit are to clearly identify how this rating will be achieved and where these area(s) are located.
- 15) 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 this complex at time of permit application.

6.2 Development Engineering Department

See attached memorandum dated November 8th 2016.

6.3 Fire Department

- 1) Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required. Template at Kelowna.ca.
- 2) Should a hydrant be required on this property it shall be operational prior to the start of construction and shall be deemed a private hydrant.
- 3) This building shall be addressed off of the street it is accessed from.
- 4) A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD.
- 5) Fire Department access is to be met as per BCBC 3.2.5.
- 6) Approved Fire Department steel lock box acceptable to the fire dept. is required by the fire dept. entrance and shall be flush mounted.

- 7) All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met including those for high buildings and communications.
- 8) Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- 9) Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- 10) Fire department connection is to be within 45M of a fire hydrant – unobstructed unless all life safety issues are confirmed.

7.0 Application Chronology

Date of Application Received:	October 5 th 2016
Date of First Reading:	January 9 th 2017
Date of Public Hearing:	January 24 th 2017
Date of Re-designed DP/DVP:	May 29 th 2017

Report prepared by:	Adam Cseke, Planner Specialist
Reviewed by:	Terry Barton, Urban Planning Manager
Approved for Inclusion:	Ryan Smith, Community Planning Department Manager

Attachments:

DP16-0246 & DVP16-0247

DEVELOPMENT PERMIT / DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT PERMIT (DP16-0246) / DEVELOPMENT VARIANCE PERMIT (DVP16-0247)

Issued To: Burro Developments Ltd. BC0971320
Site Address: 1330 St. Paul
Legal Description: Lot 16, District Lot 139, ODYD Plan 645
Zoning Classification: C7 – Central Business Commercial
Development Permit Area: COMPREHENSIVE DEVELOPMENT PERMIT AREA

SCOPE OF APPROVAL

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

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

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

1. TERMS AND CONDITIONS

THAT Development Permit No. DP17-0011 for Lot 3, District Lot 139, ODYD, Plan KAP60698, located at 1232 Ellis St, Kelowna, BC to allow the construction of a mixed use development be approved subject to the following:

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

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A, B, & C":

Section 14.7.5 Development Regulations (h)

1. To vary the setback above the 16.0 height mark for the front yard from 3.0 metres to 0.77 metres.

2. To vary the setback above the 16.0 height mark for the side yard (north) from 4.0 metres to 0.025 metres.
3. To vary the setback above the 16.0 height mark for the side yard (south) from 4.0 metres to 2.72 metres.
4. To vary the setback above the 16.0 height mark for the rear yard from 3.0 metres to 0.61 metres.

Section 8.1.11 Size and Ratio (a)

5. To vary the two-way drive aisle width from 7.0m to 6.0m.

Section 8.1.11 Size and Ratio (a)

6. To vary the extra width of a parking stall when the parking stall abuts an obstruction from 0.2m to 0.0m.

Section 8.1.11 Size and Ratio (b)

7. To vary the maximum ratio of compact car parking spaces from 10% to 24.2%.

Section 8 Table 8.2 Loading Schedule

8. To vary the required number of loading spaces from 2 spaces to zero spaces.

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

2. PERFORMANCE SECURITY

none

3. DEVELOPMENT

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

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

This Permit IS NOT a Building Permit.

4. APPLICANT'S AGREEMENT

I hereby declare that all of the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit and/or Development Variance Permit, the Municipality may withhold the granting of any Occupancy Permit for the occupancy and / or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works

or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning Department immediately to avoid any unnecessary delay in processing the application.

5. APPROVALS

Issued and approved by Council on the _____ day of _____, 2017.

Ryan Smith, Community Planning Department Manager
Community Planning & Real Estate

Date

Ryan Smith, Community Planning Department Manager
Community Planning & Real Estate

**The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall be returned to the PERMIT HOLDER.**



Diagram illustrating the layout of a bicycle rack system. The system consists of two circular racks, each containing a planter and seven bicycle racks. The dimensions for the bicycle racks are specified as 0.6m x 1.8m. The racks are arranged in a row, with the top rack labeled "Bike" and the bottom rack labeled "Bike". The planter is located at the top and bottom of the circular racks. The label "7 BICYCLE RACKS" is positioned between the two circular racks.

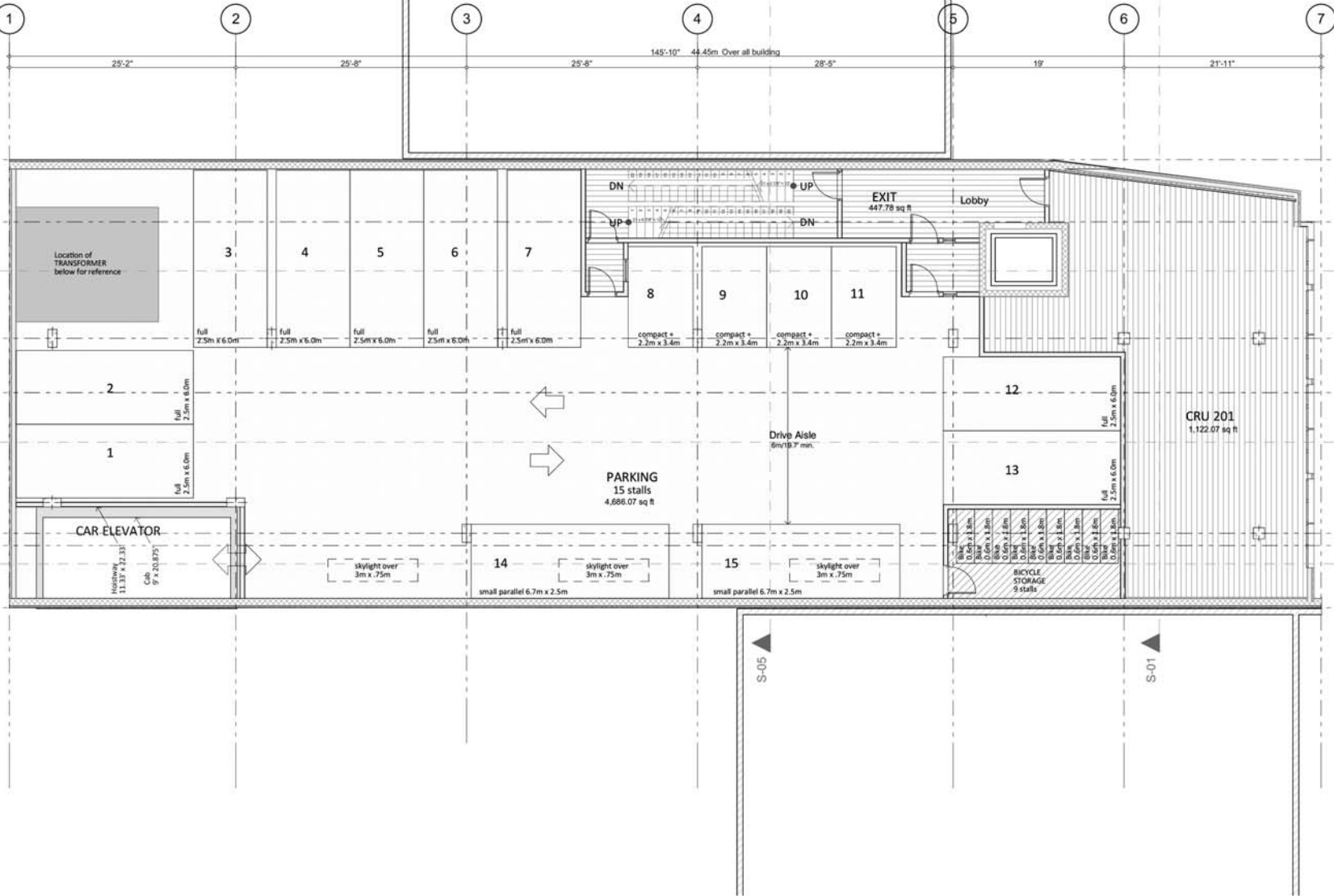
47

SCHEDULE A & B

This forms part of application
DP16-0246 & DVP16-0247

Planner
Initials AC

City of
Kelowna
COMMUNITY PLANNING



2ND FLOOR PLAN

DESIGN

1330 St Paul Street Kelowna BC

HUCULIAK ARTIST DESIGNER
HANS P. NEUMANN ARCHITECT INC.

sheet 2

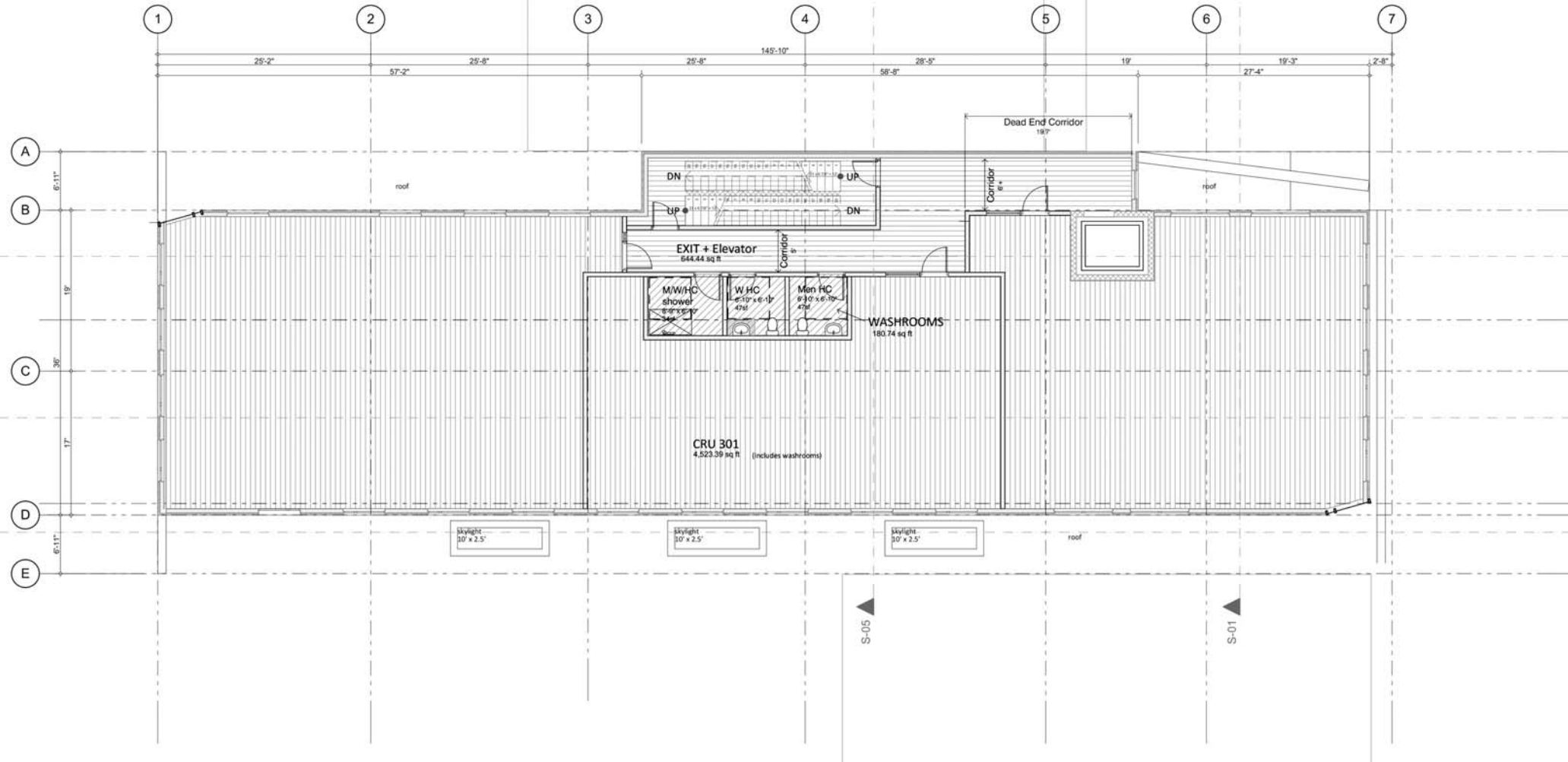
2017 08 09

SCHEDULE A & B

This forms part of application
DP16-0246 & DVP16-0247

Planner
Initials AC

City of
Kelowna
COMMUNITY PLANNING



THIRD FLOOR PLAN

DESIGN

sheet 3

1330 St Paul Street Kelowna BC

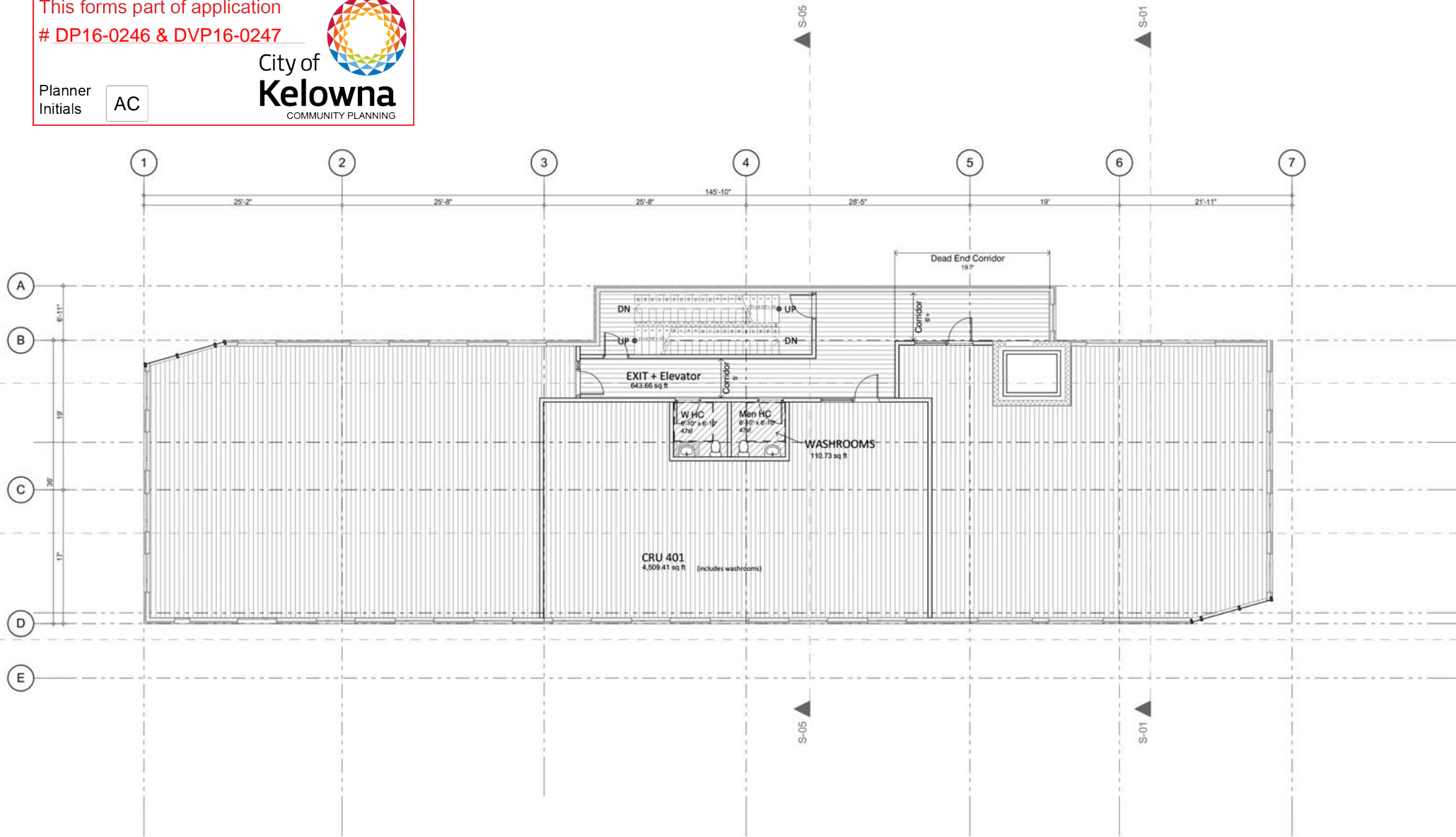
HUCULIAK ARTIST DESIGNER
HANS P. NEUMANN ARCHITECT INC.

2017 08 09

SCHEDULE A & B

This forms part of application
DP16-0246 & DVP16-0247

Planner
Initials AC



FOURTH FLOOR PLAN

DESIGN

1330 St Paul Street Kelowna BC

HUCULIAK ARTIST DESIGNER
HANS P. NEUMANN ARCHITECT INC.

sheet 4

2017 08 09

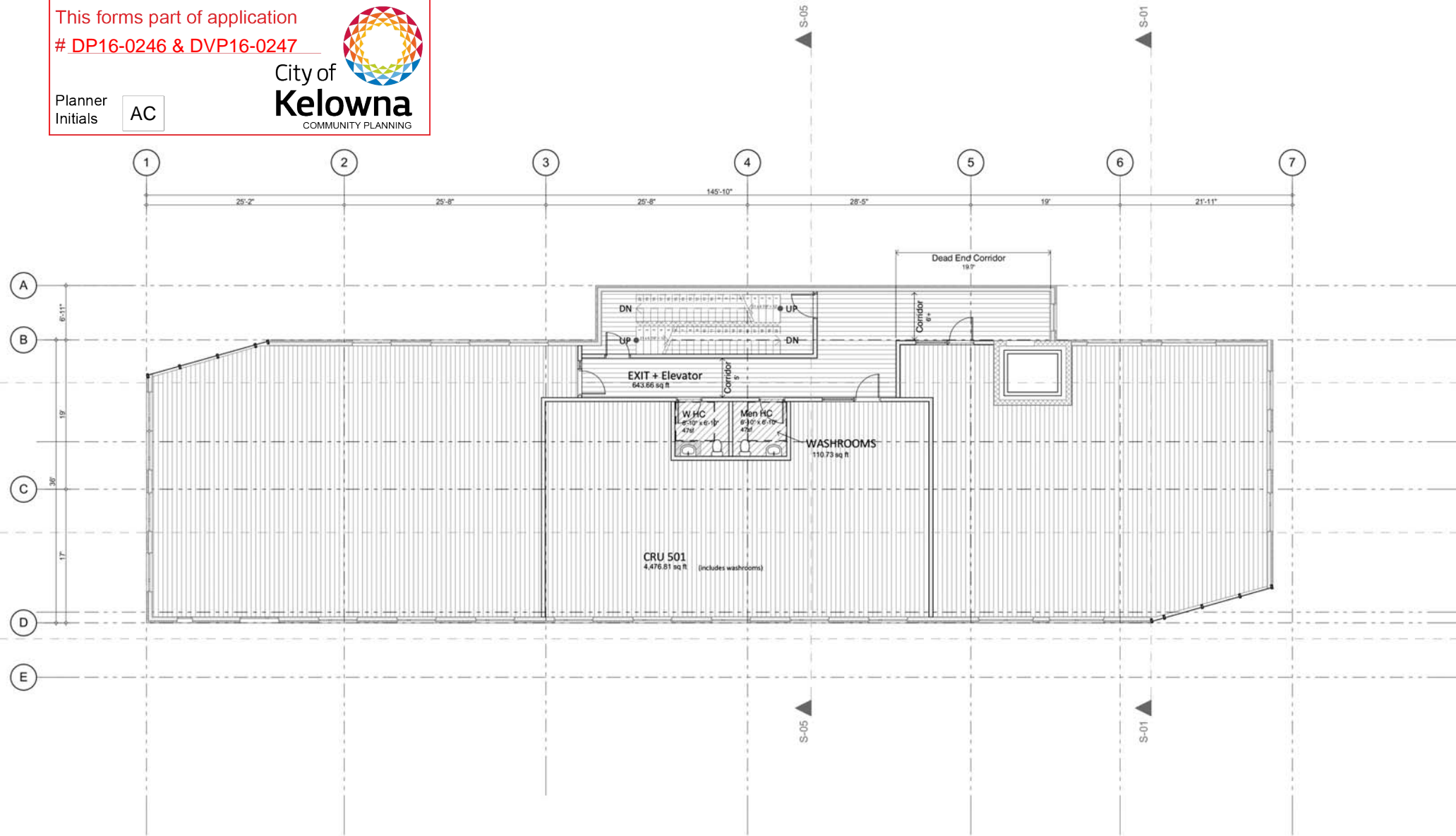
SCHEDULE A & B

This forms part of application
DP16-0246 & DVP16-0247

Planner
Initials

AC

City of
Kelowna
COMMUNITY PLANNING



FIFTH FLOOR PLAN

DESIGN

sheet 5

1330 St Paul Street Kelowna BC

HUCULIAK ARTIST DESIGNER
HANS P. NEUMANN ARCHITECT INC.

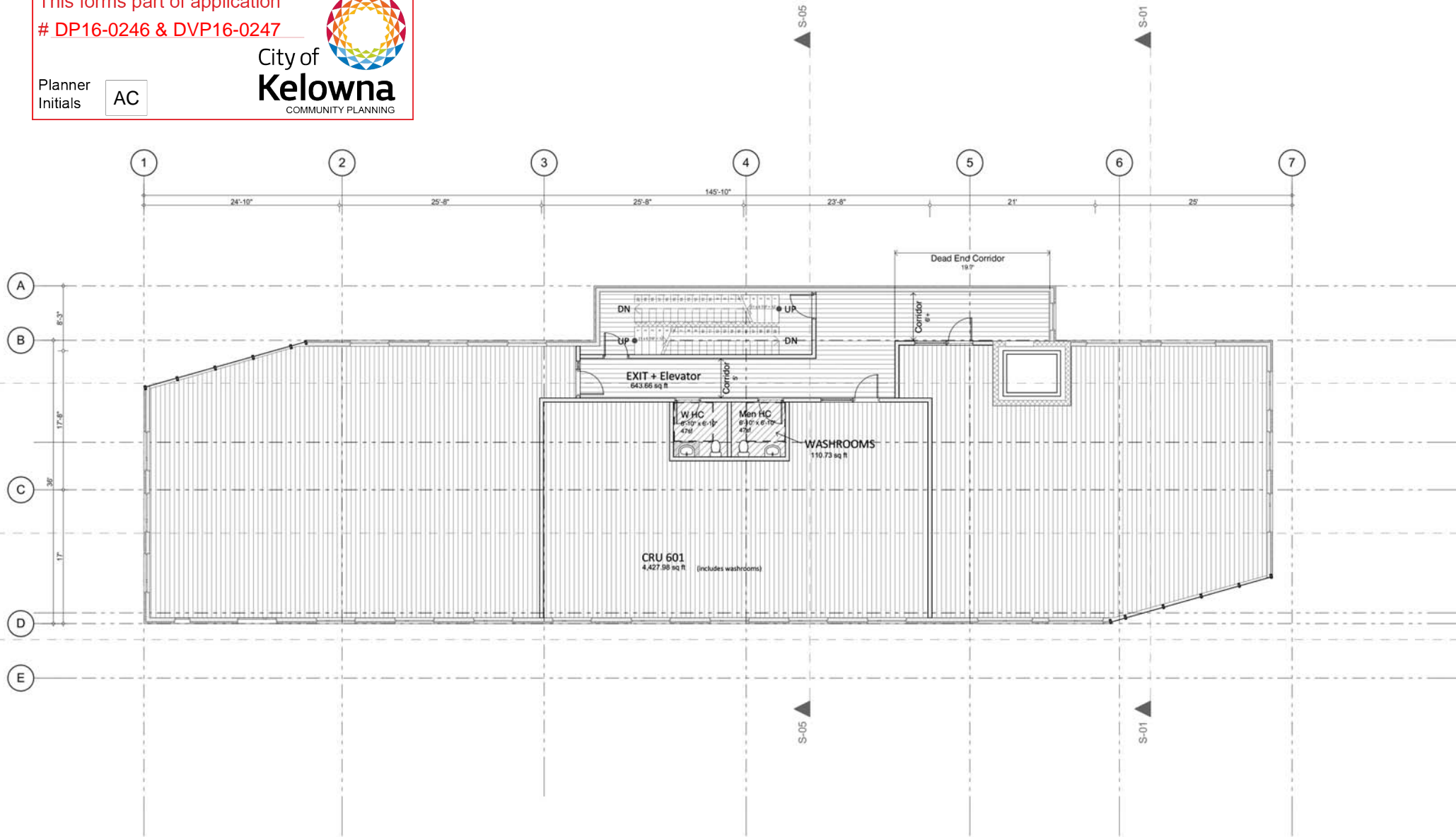
2017 08 09

SCHEDULE A & B

This forms part of application
DP16-0246 & DVP16-0247

Planner
Initials AC

City of
Kelowna
COMMUNITY PLANNING



SIXTH FLOOR PLAN

DESIGN

sheet 6

1330 St Paul Street Kelowna BC

HUCULIAK ARTIST DESIGNER
HANS P. NEUMANN ARCHITECT INC.

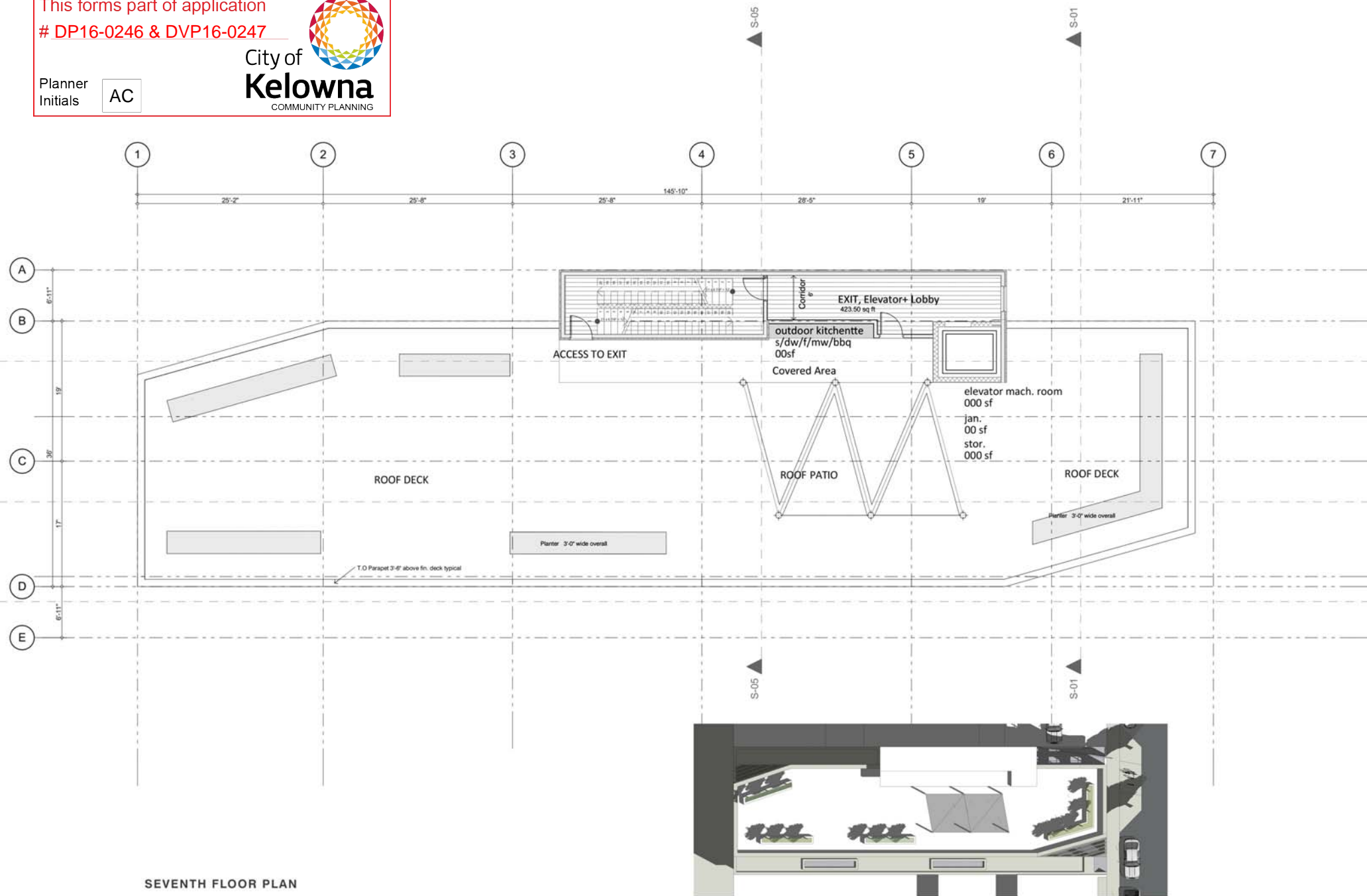
2017 08 09

SCHEDULE A & B

This forms part of application
DP16-0246 & DVP16-0247

Planner
Initials AC

City of
Kelowna
COMMUNITY PLANNING



DESIGN

sheet 7

1330 St Paul Street Kelowna BC

HUCULIAK ARTIST DESIGNER
HANS P. NEUMANN ARCHITECT INC.

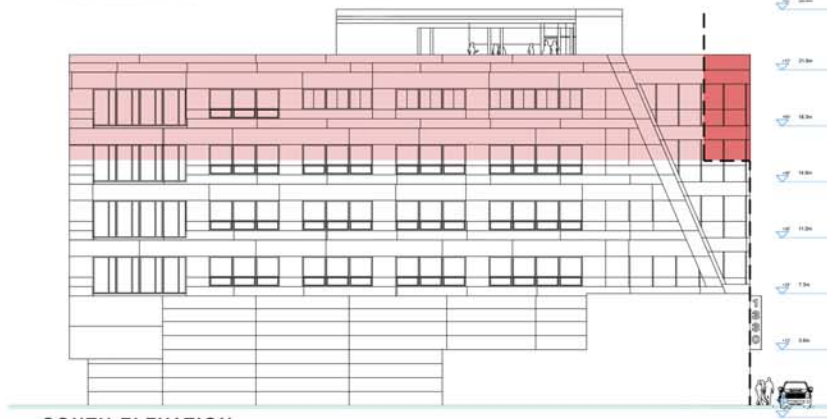
2017 08 09



NORTH ELEVATION

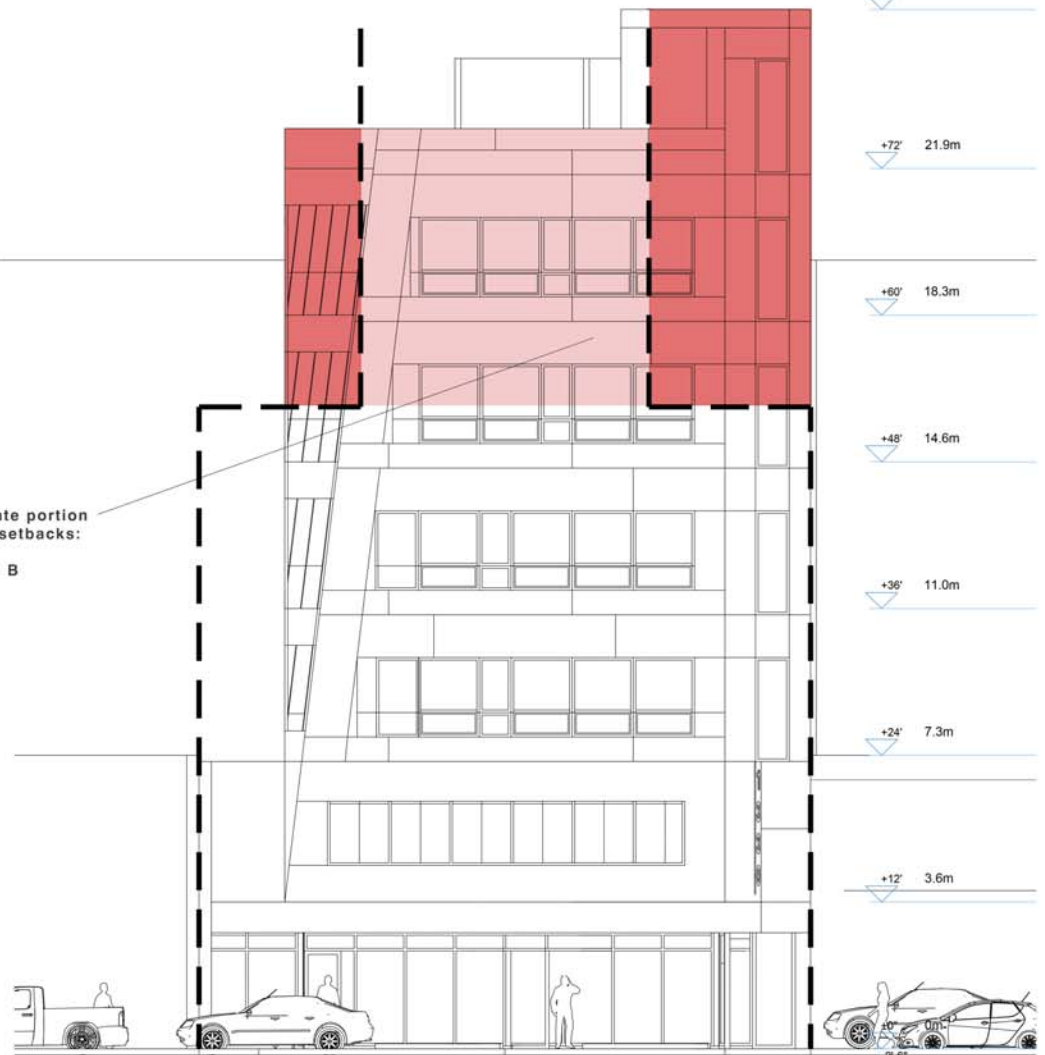


WEST ELEVATION



SOUTH ELEVATION

Toned areas indicate portion
of building within setbacks:
City of Kelowna
Zone C7 - Diagram B



EAST ELEVATION

SCHEDULE A & B

This forms part of application
DP16-0246 & DVP16-0247

Planner
Initials AC



DESIGN

1330 St Paul Street Kelowna BC

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sheet 4

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SCHEDULE A & B

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DP16-0246 & DVP16-0247

Planner Initials **AC**

City of Kelowna
COMMUNITY PLANNING

East Elevation



South Elevation

SCHEDULE

A & B

This forms part of application
DP16-0246 & DVP16-0247

Planner Initials **AC**



City of
Kelowna
COMMUNITY PLANNING



West Elevation

SCHEDULE		A & B
This forms part of application # DP16-0246 & DVP16-0247		
Planner Initials	AC	 City of Kelowna COMMUNITY PLANNING

DESIGN

1330 St Paul Street Kelowna BC

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HANS P. NEUMANN ARCHITECT INC.

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North Elevation

SCHEDULE A & B

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Planner
Initials

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COMMUNITY PLANNING

DESIGN

1330 St Paul Street Kelowna BC

HUCULIAK ARTIST DESIGNER
HANS P. NEUMANN ARCHITECT INC.

sheet 12

2017 08 09

Materials + Finishes

A	Panel or Stucco	Phenolic/fibre cement panels or Stucco - White-White & Surf White
B	Windows, Metal Siding + Trim	Aluminum - clear anodized finish
C	Glass	Clear w slight blue-green tint
D	Panel	Phenolic/fibre cement panels or Metal panel - Charcoal
E	Feature Panels Soffits	Wood Panels and Manufactured Panels - Wood teak color
F	Steel Posts	White Painted - Roof top sails structure
G	Fabric Awning	White translucent fabric
H	Board Formed Concrete	Natural grey
J	Panel or Stucco	Phenolic/fibre cement panels or Stucco - custom color; burnt sienna
K	Panel or Stucco	Phenolic/fibre cement panels or Stucco - Regent Grey
L	Planting	Trees, hedge, vines - see Landscape Drawing for plant list

Design Rationale

1330 St Paul Street is a mixed use commercial development of ground floor retail, 2 level parkade and upper floor office.

At approximately 30,000 square feet and 6 storeys the building is set back from the east property line at St Paul to support the pedestrian experience for users and passers by.

A boldly arranged white, neutrals and accent color panels provide an exciting addition to St Paul Street. Natural finish aluminum windows & trim are accented with wood finish features; soffit, wall panels and interiors.

Floors 2 to 6 employ a triangular feature of curtainwall that chamfers the floor plates (south-east and north-west corners) providing a strong design signature at the same time creating unique interior spaces.

The roof top patio deck is animated with outdoor activity and gestures of greenery.

Main Floor

Commercial Retail Units & Parkade.

Retail at the street is designed to accommodate 1-2 tenants with floor to ceiling storefront glazing. The client will develop a portion of the street shoulder to provide sidewalk bike parking, boulevard trees, patterned pavers, and potential cafe seating.

Signage will be refined and intentional within the architectural design as illustrated.

The parkade is fully enclosed.

Second Floor

Class A Office & Parkade.

Office space of approx 2,000sf overlooks the sidewalk with operable folding windows bringing in fresh air and visually connects to the sidewalk.

A car elevator accessible from the lane serves the second floor parking making great use of limited site area by avoiding ramps.

Third, Fourth, Fifth and Sixth Floors

Class A Office.

Currently the owner is in discussion with a 'virtual office' company to secure a long term lease. Users will be made up of a variety of business's sharing common aspects; reception at 2nd floor, meeting rooms, roof top deck, lunchroom, Wifi, workstations etc.

Roof Top Patio

A 1,500sf plus Patio/Deck

This outdoor (mostly) covered patio, for tenants and guests only, will be the place to unwind, wrap business deals or hold networking events. Planters arranged around the roof perimeter will enhance this outdoor experience, framing views of the lake, downtown and beyond to the Okanagan valley.

White screen steel posts with fabric 'sails' cover the main patio.

All available rooftop and patio is greened with trees and flowering landscaping in planters.

Discreetly lit at night and boldly emblematic the roof top service penthouse and metal 'sails' will bring attention to the area's cherished outdoor lifestyle.

The predominant design theme is modern in its simplicity and contemporary in the detailing and expressive color and forms - a deliberate departure from some conventional architecture norms. White panels bring a fresh resort feel to this urban neighbourhood referencing the nearby beach, water and sailboats. It is the teams view that St Paul Street provides just the right context for this bold design.

SCHEDULE A & B

This forms part of application
DP16-0246 & DVP16-0247

Planner
Initials

AC

City of
Kelowna
COMMUNITY PLANNING



DESIGN

1330 St Paul Street Kelowna BC

HUCULIAK ARTIST DESIGNER
HANS P. NEUMANN ARCHITECT INC.

sheet 13

2017 08 09



DESIGN

1330 St Paul Street Kelowna BC

HUCULIAK ARTIST DESIGNER
HANS P. NEUMANN ARCHITECT INC.

sheet 14

2017 08 09

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SUPPLEMENTAL REPORT TO COUNCIL



Date: Sept 12th, 2017

RIM No. 0940-50

To: City Manager

From: Community Planning Department (AC)

Application: DVP17-0128

Owner: Folio Building Group Inc.

Address: 781 Bay Avenue – Lot 28 & 29

Applicant: Shane Phillip Styles

Subject: Development Variance Permit

Existing OCP Designation: IND-T – Industrial - Transitional

Existing Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0128 for Lot 28 & 29, Section 30, Township 26, ODYD, Plan 1304, located at 781 Bay Avenue, Kelowna, BC;

AND THAT variance to the following sections of Zoning Bylaw No. 8000 be granted:

Section 13.6.6: RU6 – Two Dwelling Housing Development Regulations

To vary the required side yard setback (adjoining lot line) on each property from 2-2.3m permitted to 1.2m proposed;

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

2.0 Purpose

To consider a Development Variance Permit to vary the internal side yard setback on the subject properties.

3.0 Community Planning

The applicant is proposing a 2 storey single family dwelling with a carriage house on each of the two subject properties. Access is proposed to be off the rear lane. Currently, there is an older single family dwelling and detached garage that straddle the two legal lots (Lot 28 & 29) that will be removed to facilitate the development. The applicant had additional variances to the two carriage houses which Staff were not supportive. The applicant decided to withdraw those variance at the last Council meeting (Aug 29th 2017). Now that the two variances related to the carriage houses (height increase and upper floor increase) are

removed, Staff are supportive of the reducing the internal side yard setback. The internal side yard setback will only impact the two properties and will have negligible impact on the greater neighbourhood.

4.0 Proposal

4.1 Project Description

The applicant is requesting the following variance to allow for the construction of a single family dwelling and carriage house on each lot:

- 1) To vary the required side yard setback (adjoining lot line) on each property from 2-2.3m permitted to 1.2m proposed.

4.2 Site Context

The properties are located between Bay Avenue and a lane. The subject properties are 890 m² each, designated IND-T – Industrial – Transitional and are within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Residential
East	RU6 – Two Dwelling Housing	Residential
South	I4 – Central Industrial	Industrial Warehouses
West	RU6 – Two Dwelling Housing	Residential

Subject Property Map: 781 Bay Avenue



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 neighborhood with respect to building design, height and siting.

6.0 Technical Comments

6.1 Building & Permitting Department

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- 2) A third party work order may be required with the Development Engineering Department for an upgraded water line and sewage connection. These requirements are to be resolved prior to issuance of the Building Permit.
- 3) HPO (Home Protection Office) approval or release is required at time of Building Permit application.
- 4) The drawings submitted for Building Permit application are to indicate the method of fire separation between the garage and the suite.
- 5) Range hood above the stove and the washroom to vent separately to the exterior of the building. The size of the penetration for this duct thru a fire separation is restricted by BCBC 12, so provide size of ducts and fire separation details at time of Building Permit Applications.
- 6) 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 this complex at time of permit application.

6.2 Development Engineering Department

See Attachment

6.3 Fire Department

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

² City of Kelowna Official Community Plan, Policy 5.26.6 (Development Process Chapter).

No concerns

6.4 FortisBC Inc - Electric

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Bay Avenue. The existing improvements are serviced from a pole located at the northeast corner of the existing Lot 28. Based on the plans submitted, it is recommended that FBC(E) be contacted as soon as possible to determine servicing and land rights requirements for the proposed design. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

7.0 **Application Chronology**

Date of Application Received: May 19th, 2017

Date Public Consultation Completed: July 5th, 2017

Prepared by: Adam Cseke, Planner Specialist

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

DVP17-0128

REPORT TO COUNCIL



Date: August 29, 2017

RIM No. 0940-50

To: City Manager

From: Community Planning Department (JR)

Application: DVP17-0128 **Owner:** Folio Building Group Inc.

Address: 781 Bay Avenue – Lot 28 & 29 **Applicant:** Shane Phillip Styles

Subject: Development Variance Permit

Existing OCP Designation: IND-T – Industrial - Transitional

Existing Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP17-0128 for Lot 28 & 29, Section 30, Township 26, ODYD, Plan 1304, located at 781 Bay Avenue, Kelowna, BC;

2.0 Purpose

To consider a Staff recommendation to NOT issue a Development Variance Permit to vary the side yard setback, carriage house roof height, and upper storey floor area of the proposed carriage houses on the subject properties.

3.0 Community Planning

The applicant is proposing a contemporary, 2 storey single family dwelling with a carriage house on each of the two subject properties. Access is proposed to be off the rear lane. Currently, there is an older single family dwelling and detached garage that straddle the two legal lots (Lot 28 & 29) that will be removed to facilitate the development. The contemporary nature of the proposed buildings has resulted in the request for three variances. The applicants have opted for a skillion style roof (lower slope) which has resulted in the request to vary the carriage house roof height and the upper storey floor area of the carriage house. The applicant is also requesting to vary the adjoining lot line side yard setback on each property.

Staff are not supportive of the proposed height and upper floor area variances. The City's current carriage house regulations were revised several times over the past decade to specifically guard against the visual impact of large carriage houses and their associated privacy concerns with neighbouring properties. This is why Council directed staff to include single storey incentives for carriage houses within the Zoning Bylaw as single storey privacy impacts are drastically reduced on neighbouring properties. Further, within the North End neighbourhood, the concerns of over-height carriage houses are magnified as the neighbourhood contains many smaller and shorter homes.

The proposed carriage house design includes a skillion style roof (lower slope) in order to maximize the amount of floor area above the garage. If a traditional gable roof was used with dormers, this would drastically reduce the effective floor area. This was the purpose behind the regulation requiring the upper floor to be 75% of the bottom floor in order to prevent box carriage house designs (i.e. exterior walls going straight up to the second storey). Further, the second storey footprint is larger than the first floor as the design contains an upper floor protrusion. The protrusion adds even more floor area to the second floor further undermining the maximum upper floor ratio and the overall definition of a carriage house. The proposed design is closer in form to a second dwelling, than that of a carriage house.

Most flat roof designed carriage houses need a height variance and Staff have previously supported flat roof design carriage houses but only when the building meets the 75% upper floor square footage rule. The applicant could have built more floor area on the first floor to eliminate the upper storey massing and eliminate the variance but the applicant wanted to maintain their backyard open space.

An alternative recommendation for support of the development permit and variances has been included in Section 7.0 for Council's consideration.

4.0 Proposal

4.1 Project Description

The applicant is requesting the following three variances to allow for the construction of a single family dwelling and carriage house:

- 1) To vary the required side yard setback (adjoining lot line) on each property from 2-2.3m permitted to 1.2m proposed.
- 2) To vary the required carriage home roof height from 4.5m permitted to 6.26m proposed.
- 3) To vary the required upper storey floor area ratio to carriage house footprint from 75% permitted to 100% proposed

4.2 Site Context

The properties are located between Bay Avenue and a lane. The subject properties are 890 m² each, designated IND-T – Industrial – Transitional and are within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Residential
East	RU6 – Two Dwelling Housing	Residential
South	I4 – Central Industrial	Industrial Warehouses
West	RU6 – Two Dwelling Housing	Residential

Subject Property Map: 781 Bay Avenue



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Site coverage of Building(s) (%)	Max 40%	36.25%
Site Coverage of buildings, driveways, and parking (%)	Max 50%	43%
Height	9.5 m	7.3 m
Front Yard	4.5 m	4.5 m
Side Yard (east/west)	2-2.3 m	1.2 m (adjacent property line) ❶
Side Yard (east/west)	2-2.3 m	2-2.3 m
Rear Yard	7.5 m	m
Carriage House Regulations		
Maximum Accessory Site Coverage	14%	13.84%
Maximum Accessory Building Footprint	90 m ²	62.43 m ²
Maximum Net Floor Area	90 m ²	62.15 m ²
Maximum Net Floor Area to Principal Building	75%	31.78%
Maximum Upper Storey Floor Area to Building Footprint	75%	100% ❸
Maximum Height (to mid-point)	4.8 m	6.26 m ❷
Maximum Height (to peak)	Peak of principal dwelling	7.3 m
Minimum Front Yard	To be in rear yard	7.62 m

Minimum Side Yard (east/west)	2.0 m	1.2m (adjacent property line) ❶
Minimum Side Yard (east/west)	4.5 m (flanking street)	2.3m
Minimum Rear Yard	0.9 m 1.5 m (to garage / carport) 2.0 m (no lane)	4.94 m
Minimum Distance to Principal Building	3.0 m	7.62 m
Other Regulations		
Minimum Parking Requirements	3	4
Private Open Space	30 m ²	30 m ²
❶ To vary the required side yard setback (adjoining lot line) on each property from 2-2.3m permitted to 1.2m proposed. ❷ To vary the required carriage home roof height from 4.5m permitted to 6.26m proposed. ❸ To vary the required upper storey floor area to carriage house footprint from 75% permitted to 100% proposed.		

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 neighborhood with respect to building design, height and siting.

6.0 Technical Comments

6.1 Building & Permitting Department

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- 2) A third party work order may be required with the Development Engineering Department for an upgraded water line and sewage connection. These requirements are to be resolved prior to issuance of the Building Permit.
- 3) HPO (Home Protection Office) approval or release is required at time of Building Permit application.
- 4) The drawings submitted for Building Permit application are to indicate the method of fire separation between the garage and the suite.
- 5) Range hood above the stove and the washroom to vent separately to the exterior of the building. The size of the penetration for this duct thru a fire separation is restricted by BCBC 12, so provide size of ducts and fire separation details at time of Building Permit Applications.

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

² City of Kelowna Official Community Plan, Policy 5.26.6 (Development Process Chapter).

- 6) 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 this complex at time of permit application.

6.2 Development Engineering Department

See Attachment

6.3 Fire Department

No concerns

6.4 FortisBC Inc - Electric

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Bay Avenue. The existing improvements are serviced from a pole located at the northeast corner of the existing Lot 28. Based on the plans submitted, it is recommended that FBC(E) be contacted as soon as possible to determine servicing and land rights requirements for the proposed design. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

7.0 Alternate Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0128 for Lot 28 & 29, Section 30, Township 26, ODYD, Plan 1304, located at 781 Bay Avenue, Kelowna, BC;

AND THAT variance to the following sections of Zoning Bylaw No. 8000 be granted:

Section 13.6.6 (g): RU6 – Two Dwelling Housing Development Regulations

To vary the required side yard setback (adjoining lot line) on each property from 2-2.3m permitted to 1.2m proposed;

Section 13.6.6 (e): RU6 – Two Dwelling Housing Development Regulations

To vary the required carriage home roof height from 4.8m permitted to 6.26m proposed;

Section 13.6.6: RU6 (b) – Two Dwelling Housing Development Regulations

To vary the required upper storey floor area ratio to carriage house footprint from 75% permitted to 100% proposed;

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

8.o Application Chronology

Date of Application Received: May 19th, 2017
Date Public Consultation Completed: July 5th, 2017

Prepared by: Jenna Ratzlaff, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Schedule 'A': Development Engineering Comments
Schedule 'B': Development Variance Permit
Schedule 'C': Site Plan and Conceptual Elevations

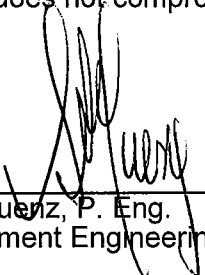
CITY OF KELOWNA

MEMORANDUM

Date: June 06, 2017
File No.: DVP17-0128
To: Community Planning (JR)
From: Development Engineer Manager (SM)
Subject: 781 Bay Ave

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

The request to vary the side yard setback, height, and upper floor area ratio of 2 carriage houses does not compromise any municipal services.



Steve Muenz, P. Eng.
Development Engineering Manager

JA

SCHEDULE

A

This forms part of application
DVP17-0128

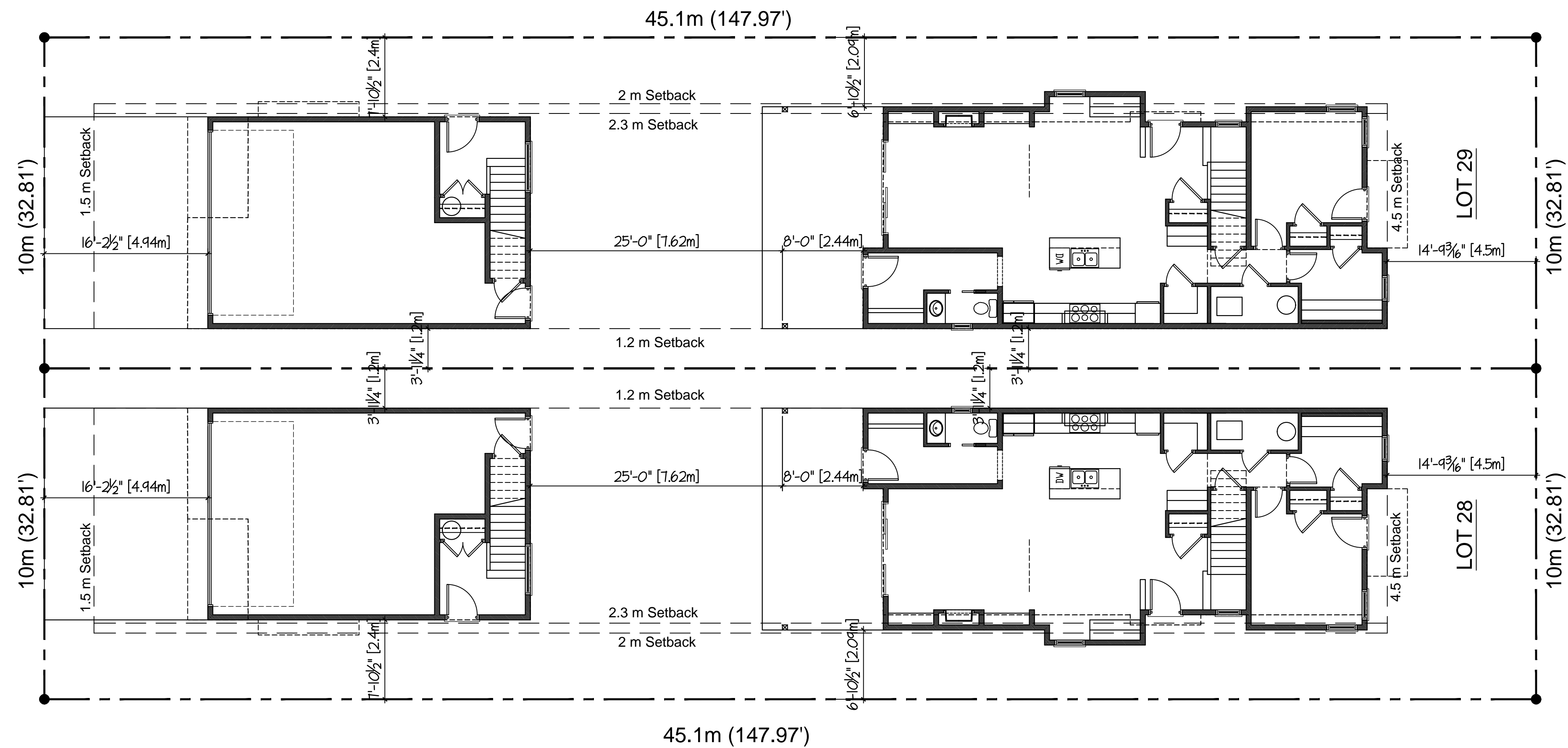
Planner
Initials

JR

City of
Kelowna
COMMUNITY PLANNING



LANE



BAY AVE

Site Coverage Calculation (per lot):	
Lot area =	4855 sq.ft.
House area =	1088 sq.ft.
Garage area =	672 sq.ft.
Driveway area =	340 sq.ft.
Bldg. Coverage =	36%
Bldg. & D.W. Cov. =	43%

Civic Address: 781 Bay Avenue (Lots 28 & 29)
Legal Address: Lots 28 & 29, KAP 1304,
Section 30, Twp. 26, ODYD
Project Name: Bay Avenue Project
Applicant: Folio Building Group
Contact: Shane Styles 250-808-7998

ERRORS AND OMISSIONS

- BAXTER DESIGN & SHANE BAXTER shall not be responsible for any variances from the structural drawings and specifications, or adjustments required resulting from conditions encountered at the job site, and is the sole responsibility of the owner or contractor.
- BAXTER DESIGN & SHANE BAXTER makes every effort to provide complete and accurate construction drawings. However, we assume no liability for any errors or omissions which may affect construction. It is the responsibility of all trades and sub-trades to check and verify all dimensions and details before commencing with their portion of the construction. Should any discrepancies be found on these plans please advise our office so we can make the necessary corrections.

BAXTER DESIGN

Custom Building Design

SHANE BAXTER DESIGNS INC.
KELOWNA, B.C. CANADA
ph: (250) 862-9662
email: baxterdesign@shaw.ca

DEVELOPMENT PROPOSAL FOR:
781 BAY AVENUE
KELOWNA, B.C.

Drawing Scale: 1/4" = 1'-0"

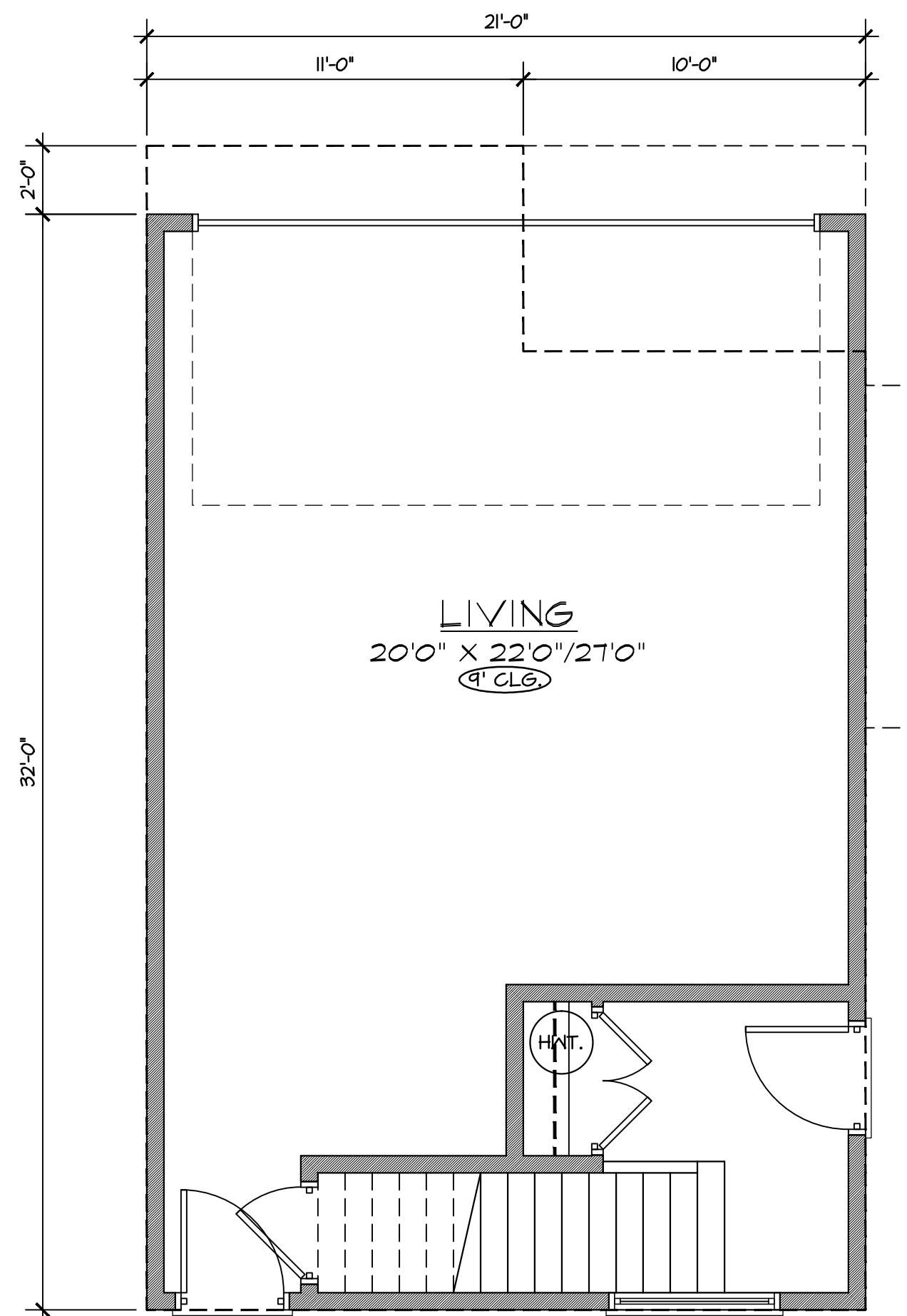
Date: MAY 17, 2017

Rev. Date:

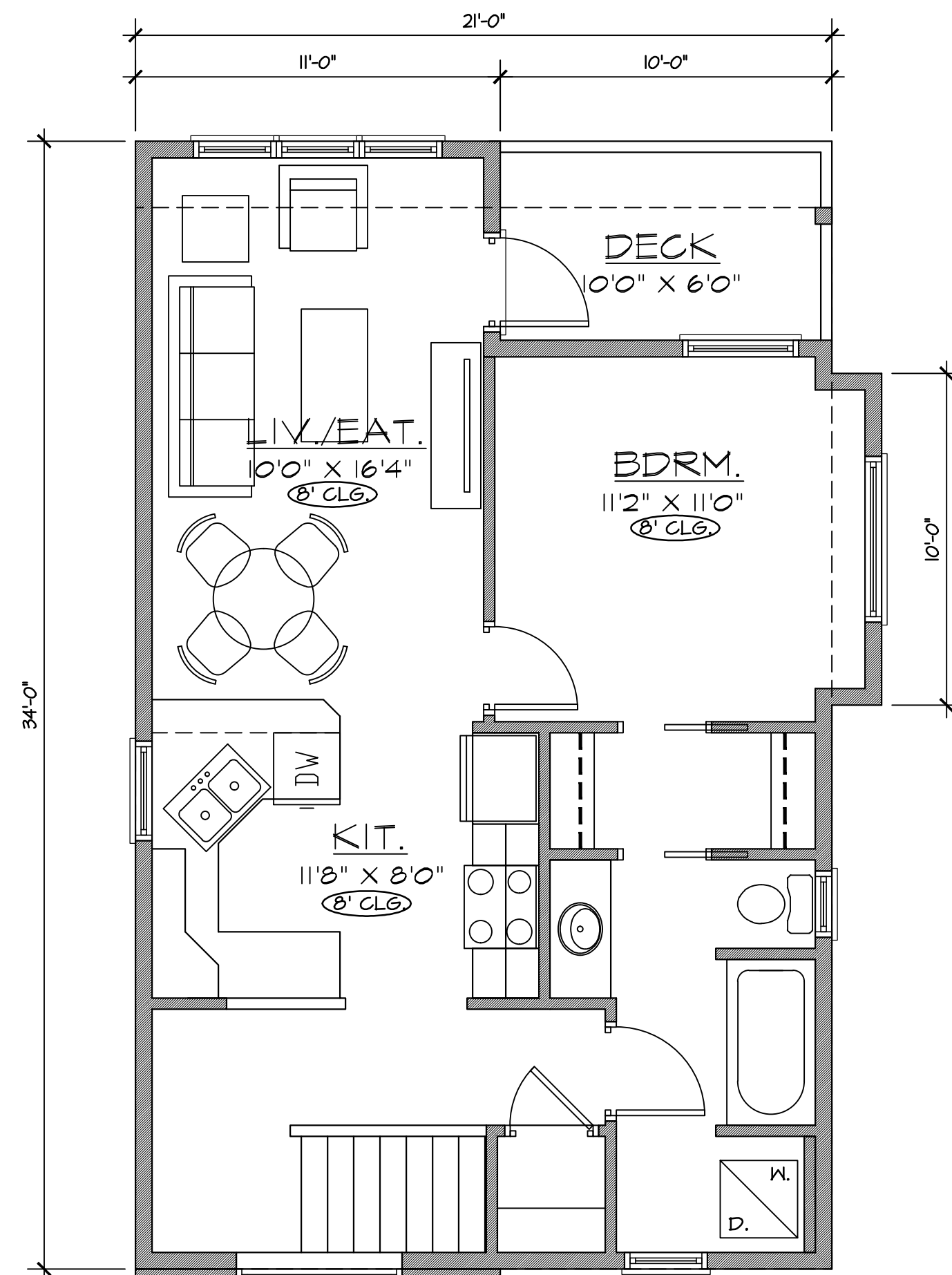
Drn. By: S.H.B.

D.P. APPLICATION

1/8

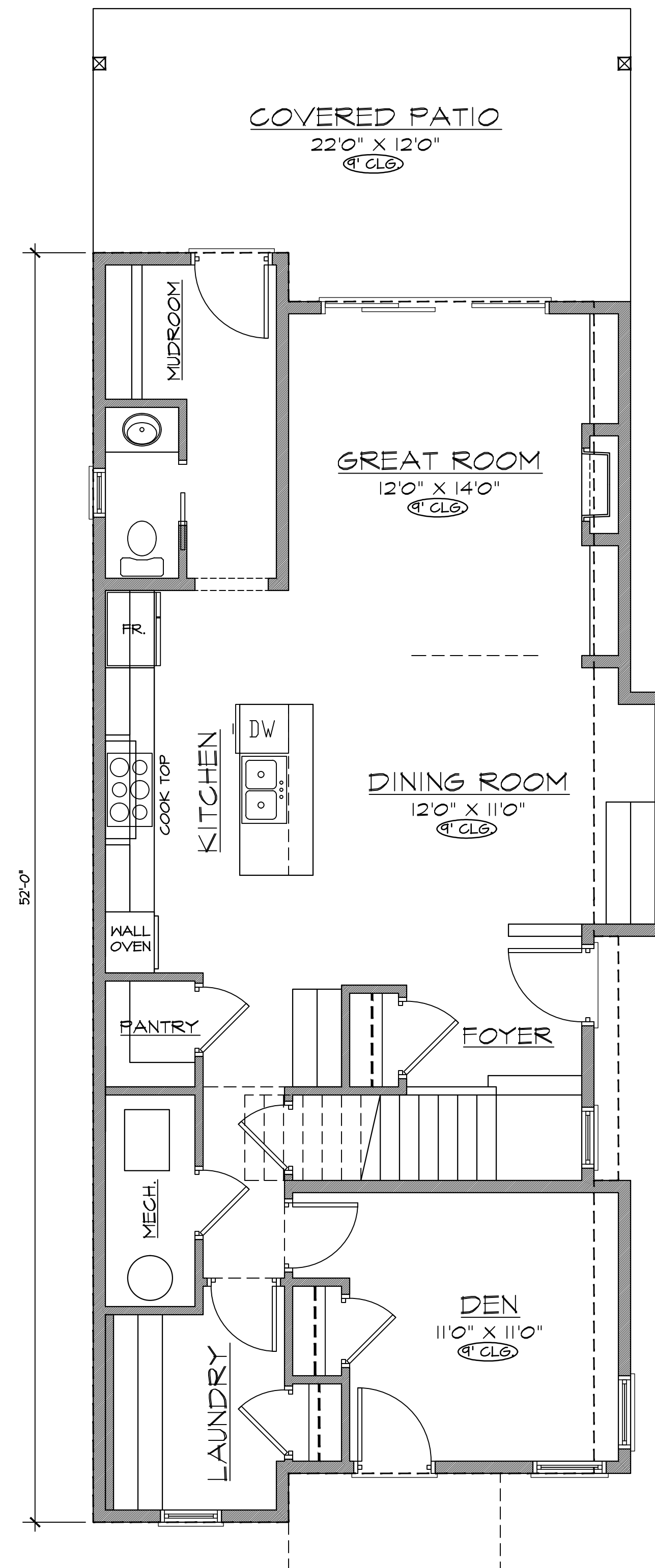


MAIN FLOOR PLAN 90 SQ. FT.

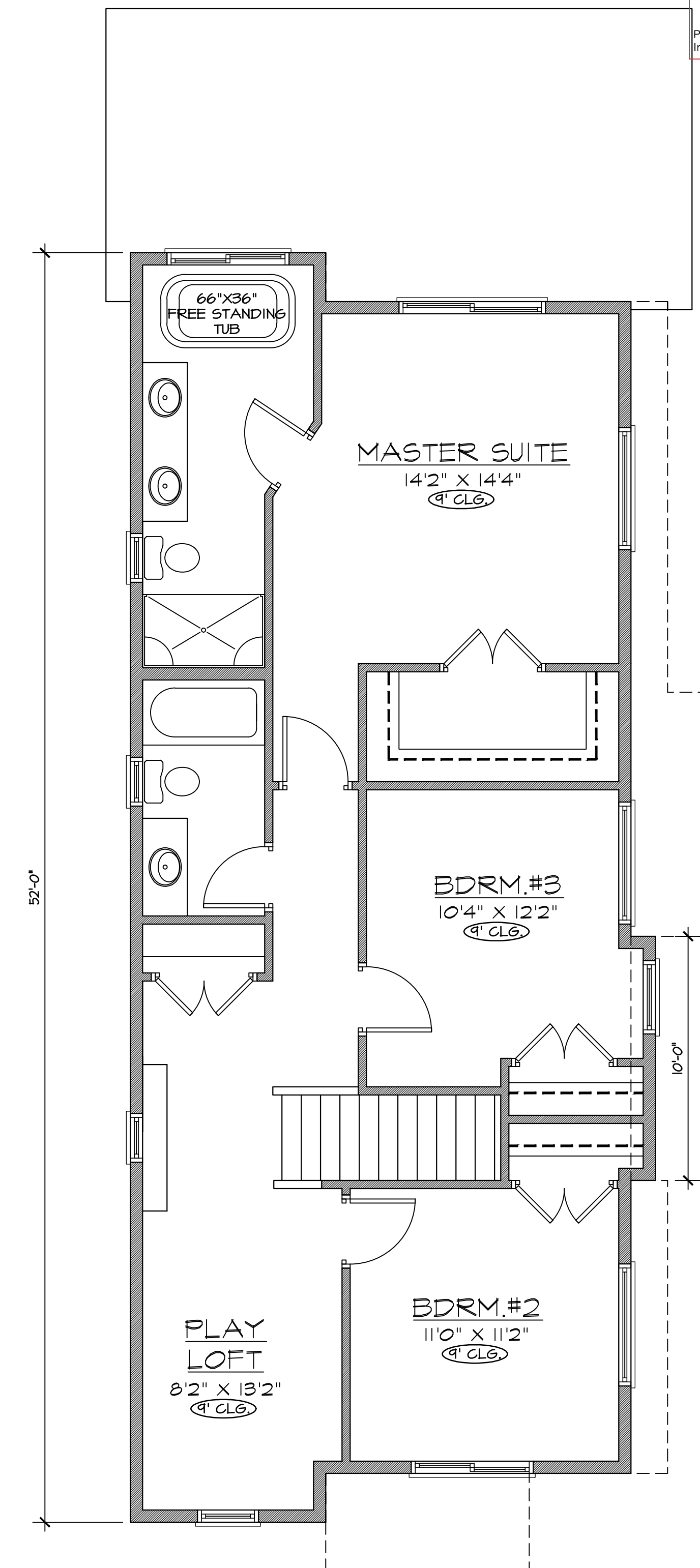


UPPER FLOOR PLAN 669 SQ. FT.

CARRIAGE HOUSE PLAN



MAIN FLOOR PLAN 1088 SQ. FT.



UPPER FLOOR PLAN 1026 SQ. FT.

MAIN HOUSE PLAN

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LOT 29 FLOOR PLANS

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 email: baxterdesign@shaw.ca

DEVELOPMENT PROPOSAL FOR:
 781 BAY AVENUE
 KELOWNA, B.C.
 Drawing Scale: 1/4" = 1'-0"
 Date: MAY 17, 2017
 Rev. Date: JUNE 21, 2017
 Drn. By: S.H.B.

D.P. APPLICATION

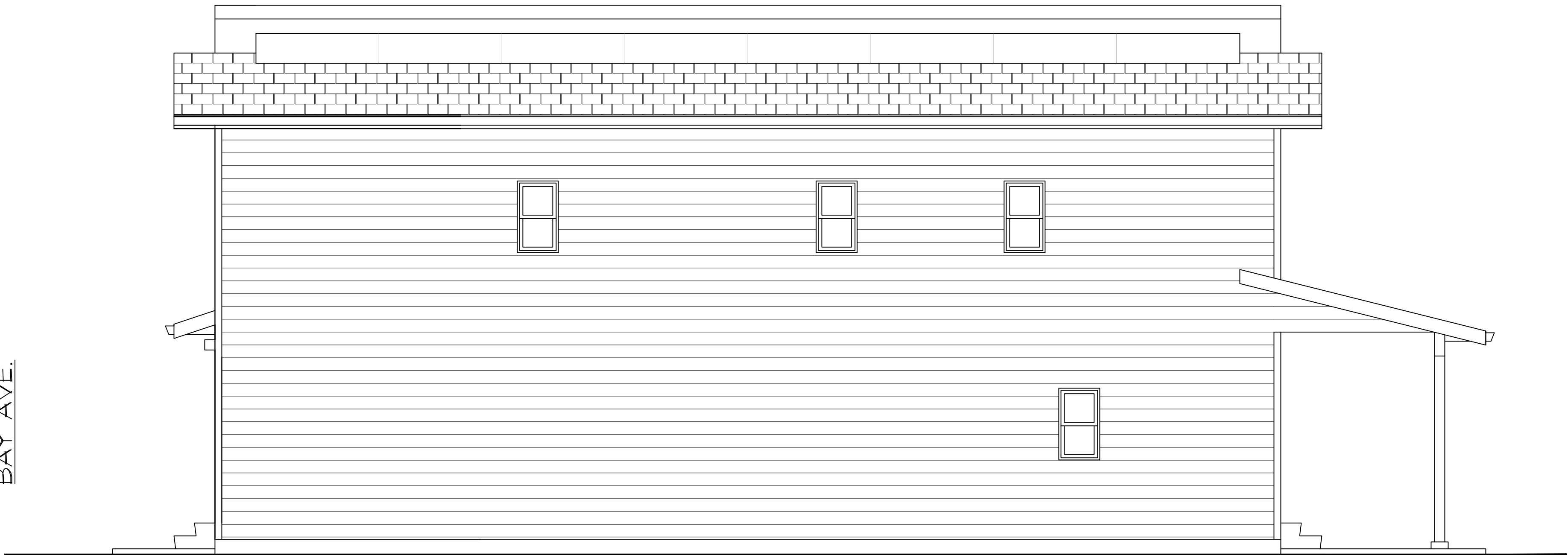
5/8



LEFT ELEVATION



HOUSE
FRONT ELEVATION



RIGHT (INSIDE) ELEVATION



HOUSE
REAR ELEVATION

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LOT 28 HOUSE ELEVATIONS

B

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KELOWNA, B.C. CANADA

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email: baxterdesign@shaw.ca

DEVELOPMENT PROPOSAL FOR:

781 BAY AVENUE

KELOWNA, B.C.

Drawing Scale: 1/4" = 1'-0"

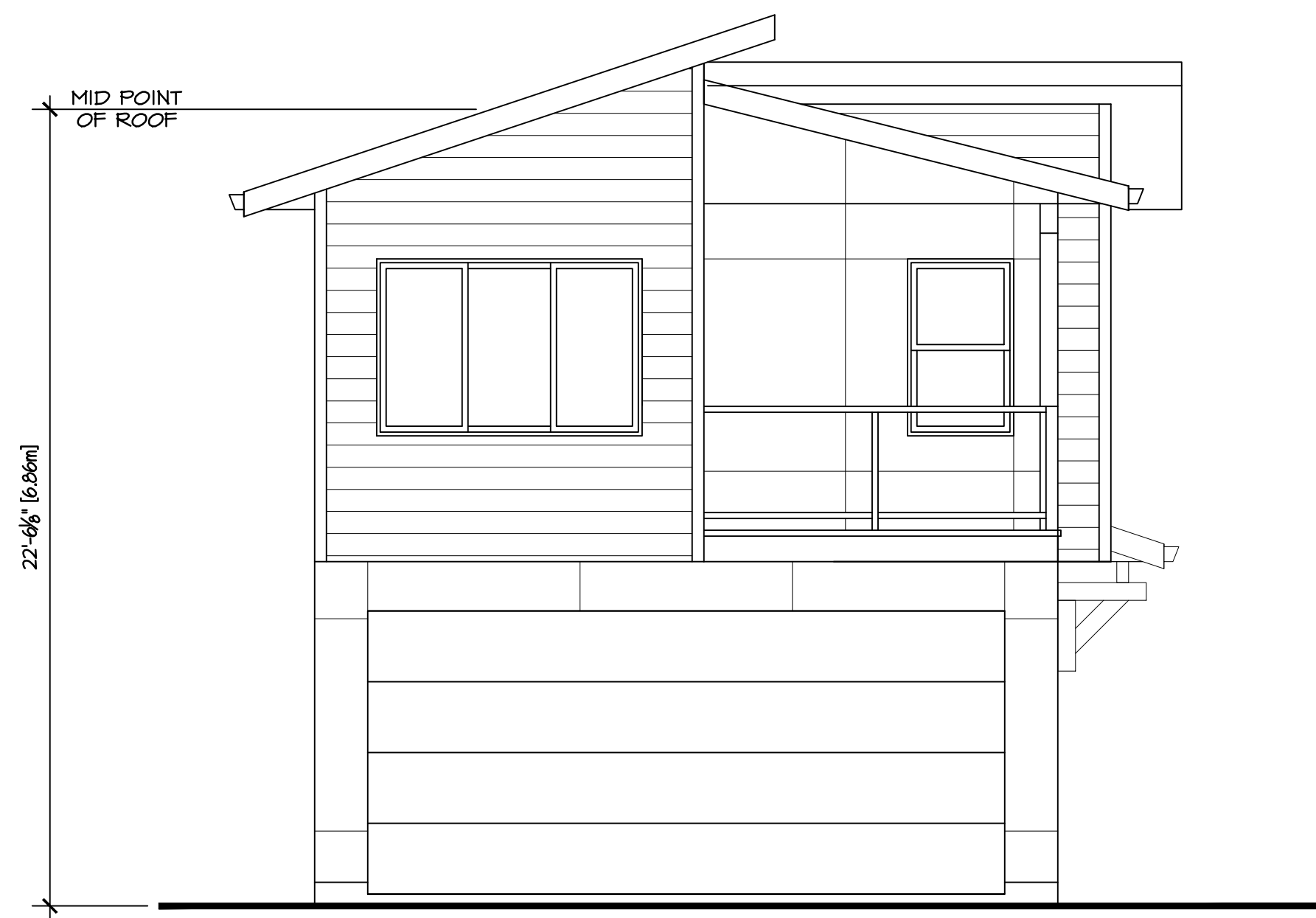
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Rev. Date:

Drn. By: S.H.B.

D.P. APPLICATION

3/8



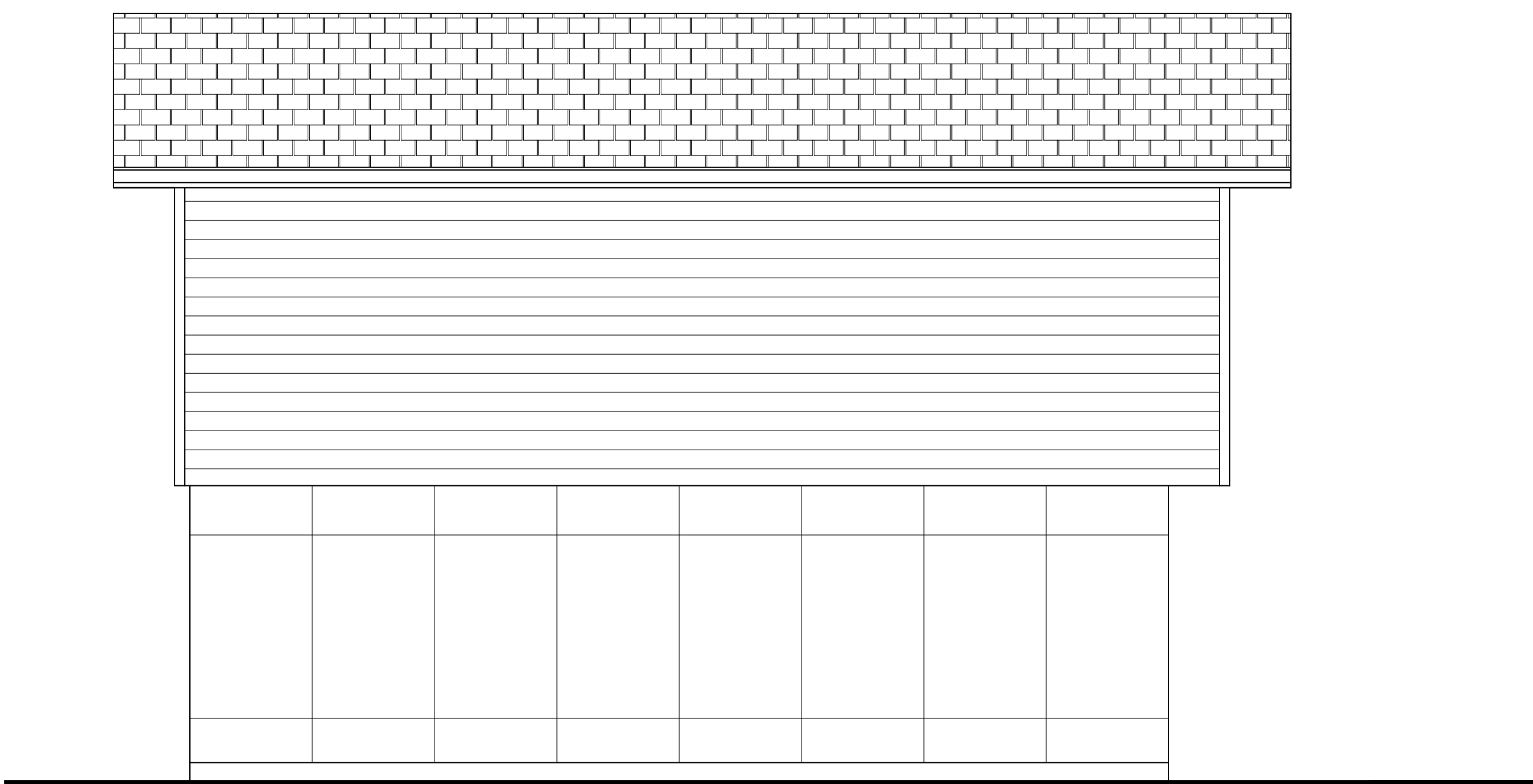
CARRIAGE HOUSE
FRONT (LANE) ELEVATION



CARRIAGE HOUSE
REAR ELEVATION



CARRIAGE HOUSE
OUTSIDE ELEVATION



CARRIAGE HOUSE
INSIDE ELEVATION

LOT 28 CARRIAGE HOUSE ELEVATIONS

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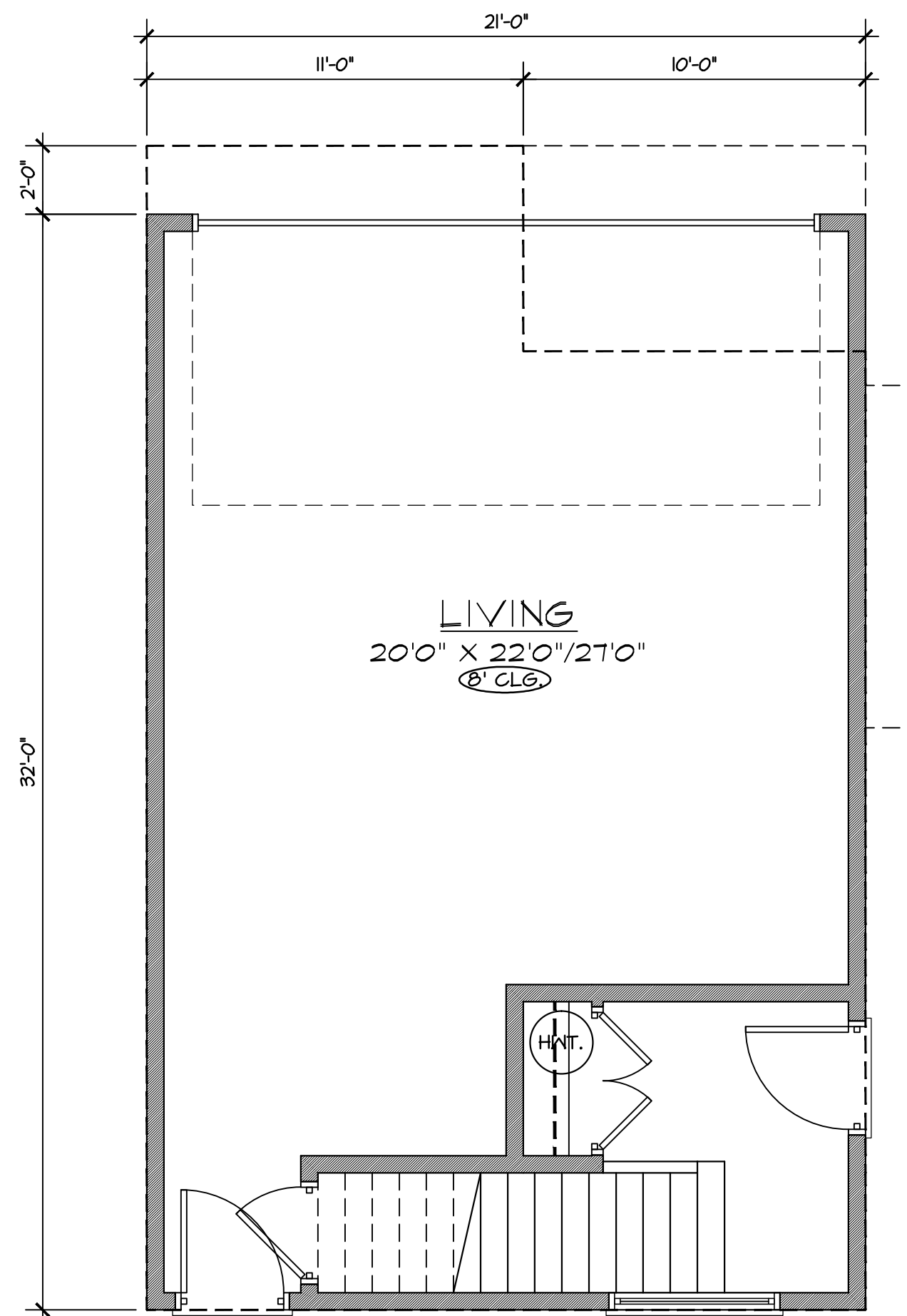
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Rev. Date:

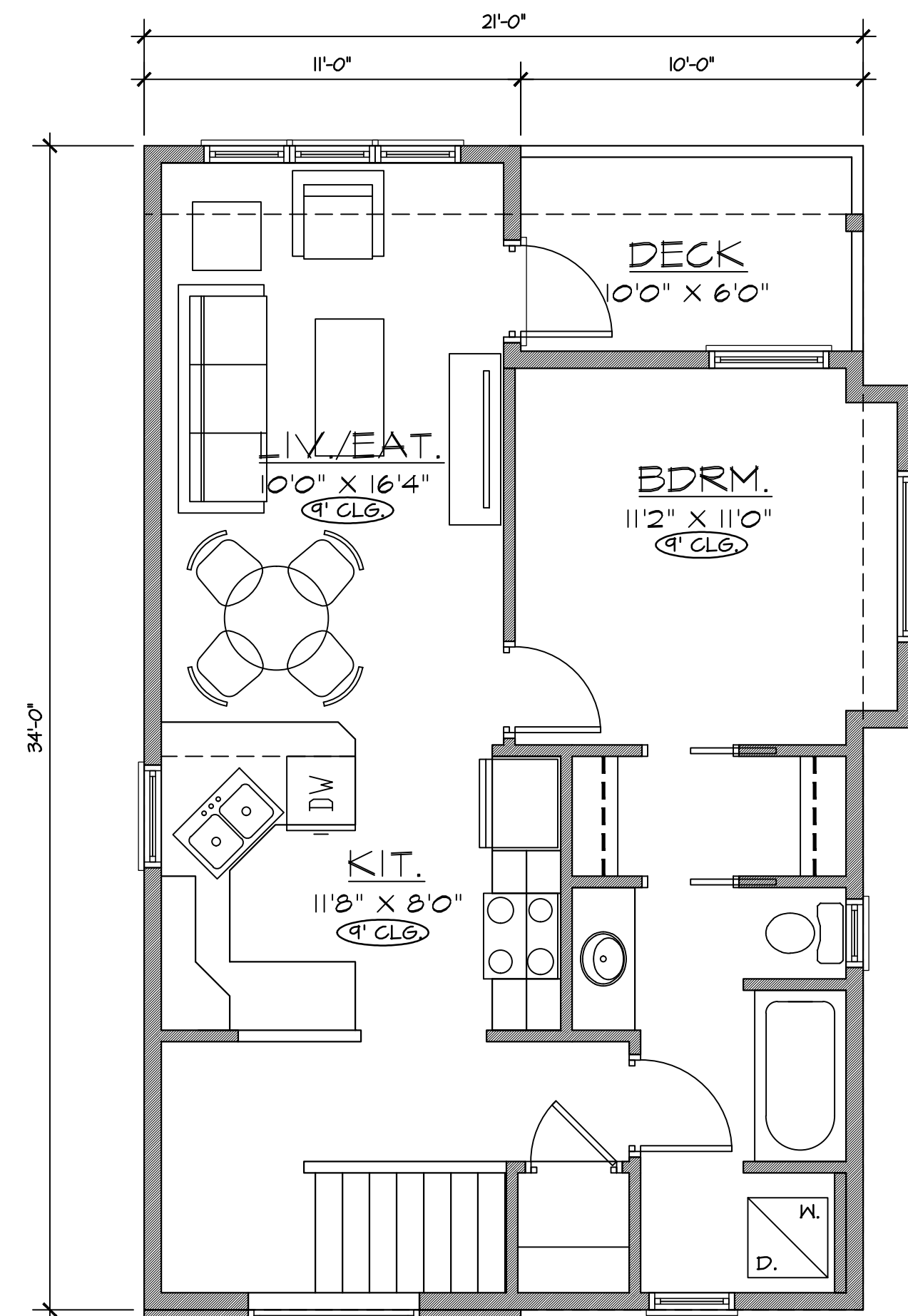
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D.P. APPLICATION

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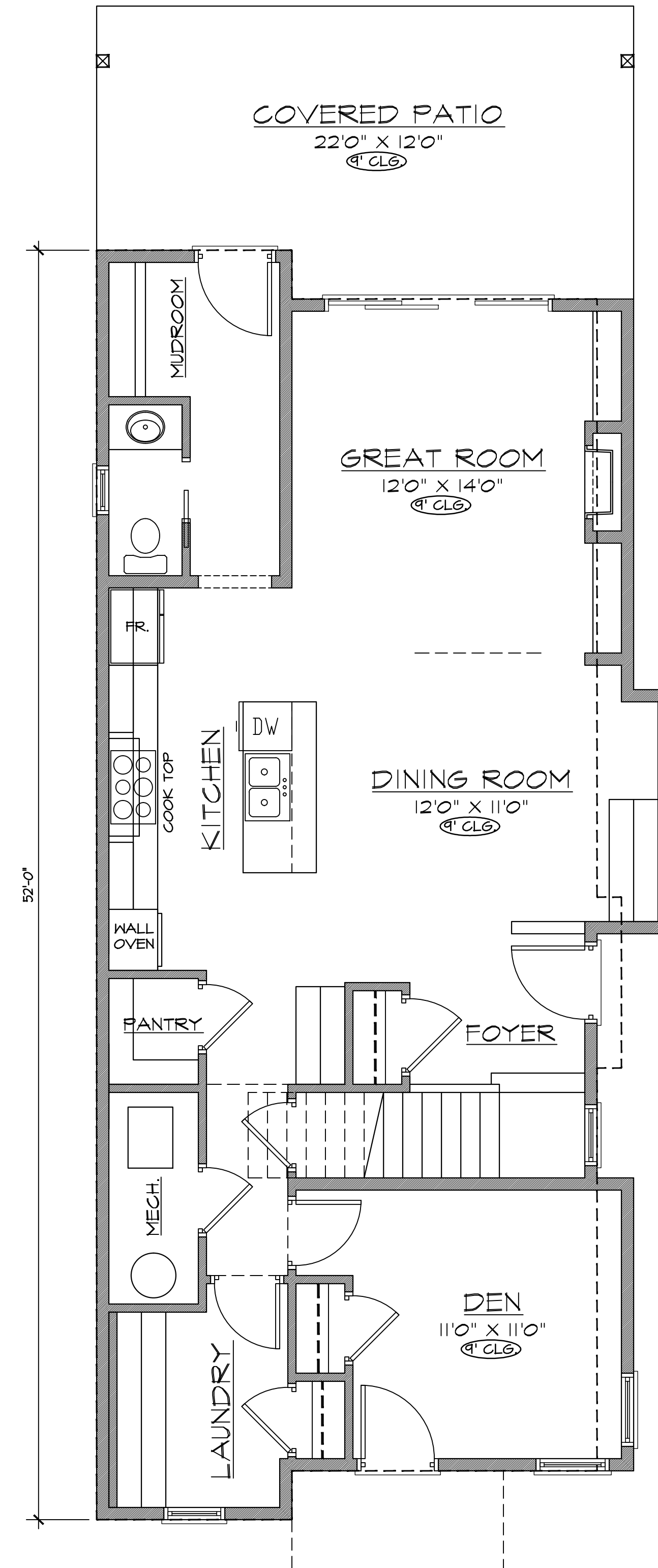


MAIN FLOOR PLAN 90 SQ. FT.

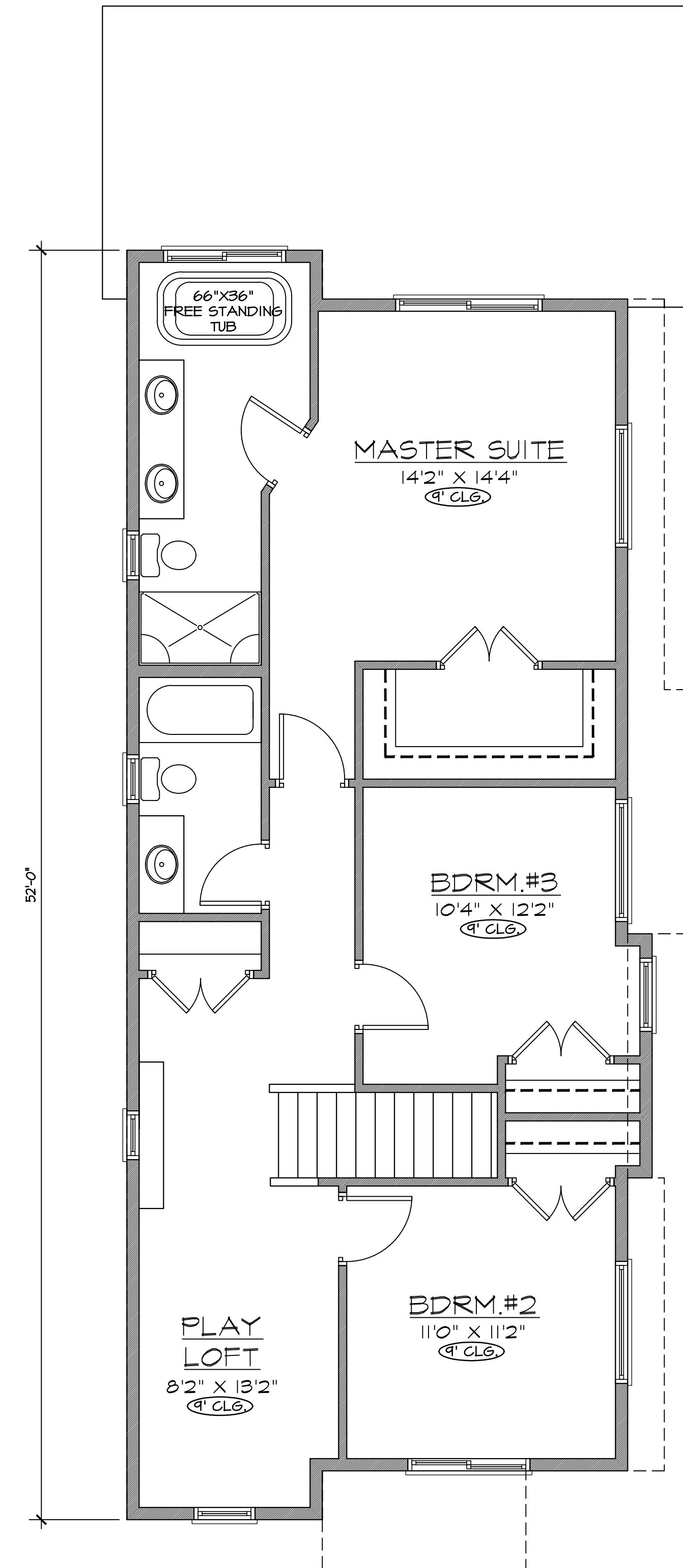


UPPER FLOOR PLAN 669 SQ. FT.

CARRIAGE HOUSE PLAN



MAIN FLOOR PLAN 1088 SQ. FT.



UPPER FLOOR PLAN 1026 SQ. FT.

MAIN HOUSE PLAN

LOT 29 FLOOR PLANS

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781 BAY AVENUE

KELOWNA, B.C.

Drawing Scale: 1/4" = 1'-0"

Date: MAY 17, 2017

Rev. Date:

Drn. By: S.H.B.

D.P. APPLICATION

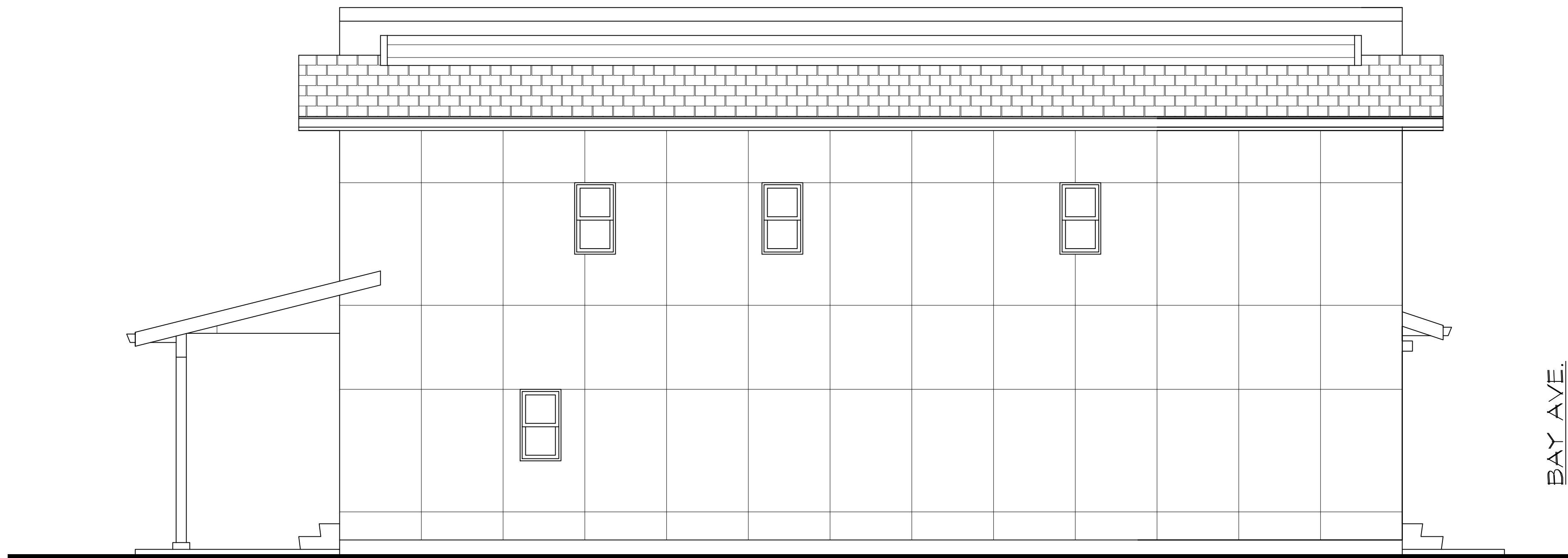
5/8



RIGHT ELEVATION



HOUSE
FRONT ELEVATION



LEFT (INSIDE) ELEVATION



HOUSE
REAR ELEVATION

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LOT 29 HOUSE ELEVATIONS

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D.P. APPLICATION

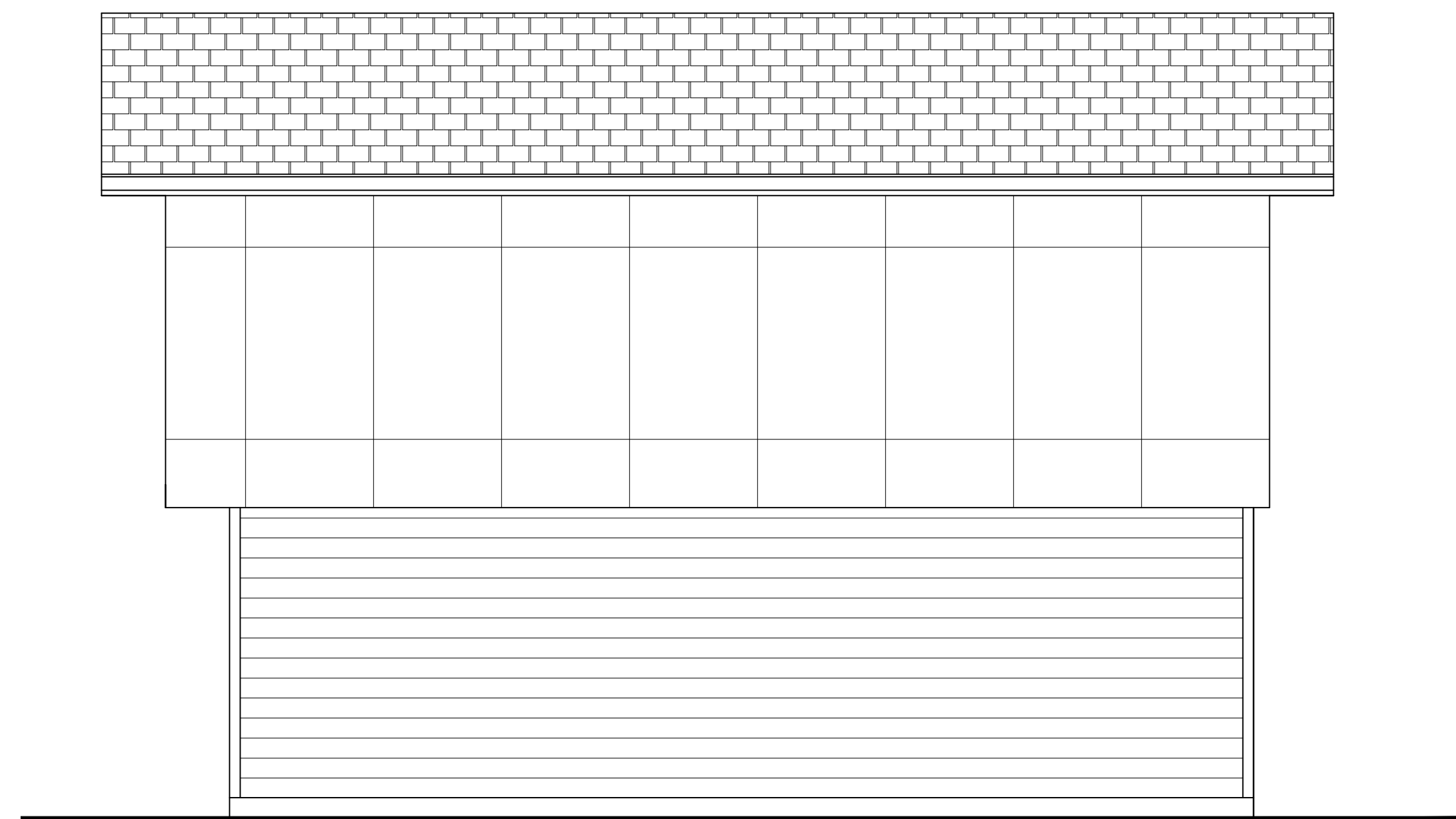
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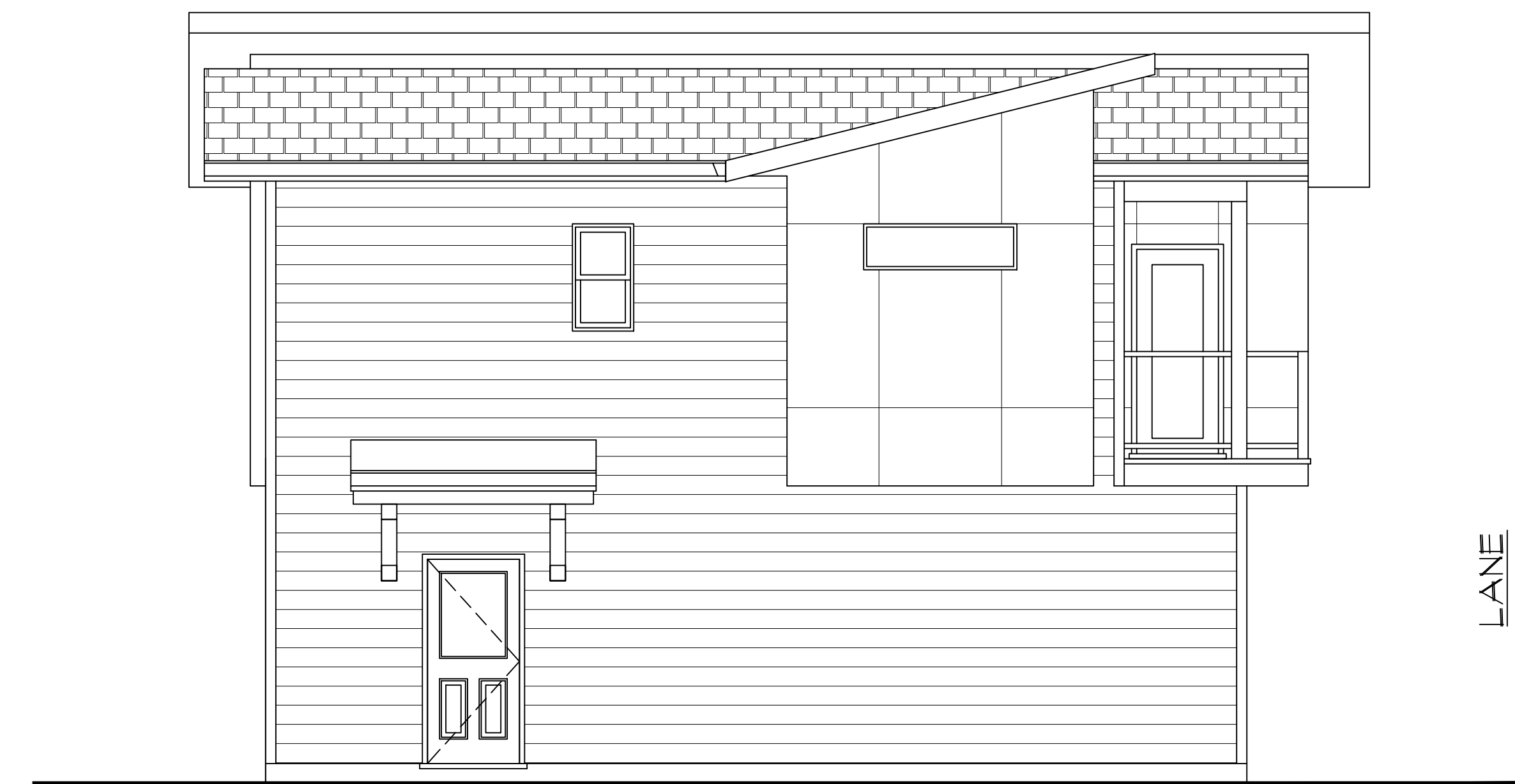
CARRIAGE HOUSE
 FRONT (LANE) ELEVATION



CARRIAGE HOUSE
 REAR ELEVATION



CARRIAGE HOUSE
 INSIDE ELEVATION



CARRIAGE HOUSE
 OUTSIDE ELEVATION

LANE

LANE

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7/8

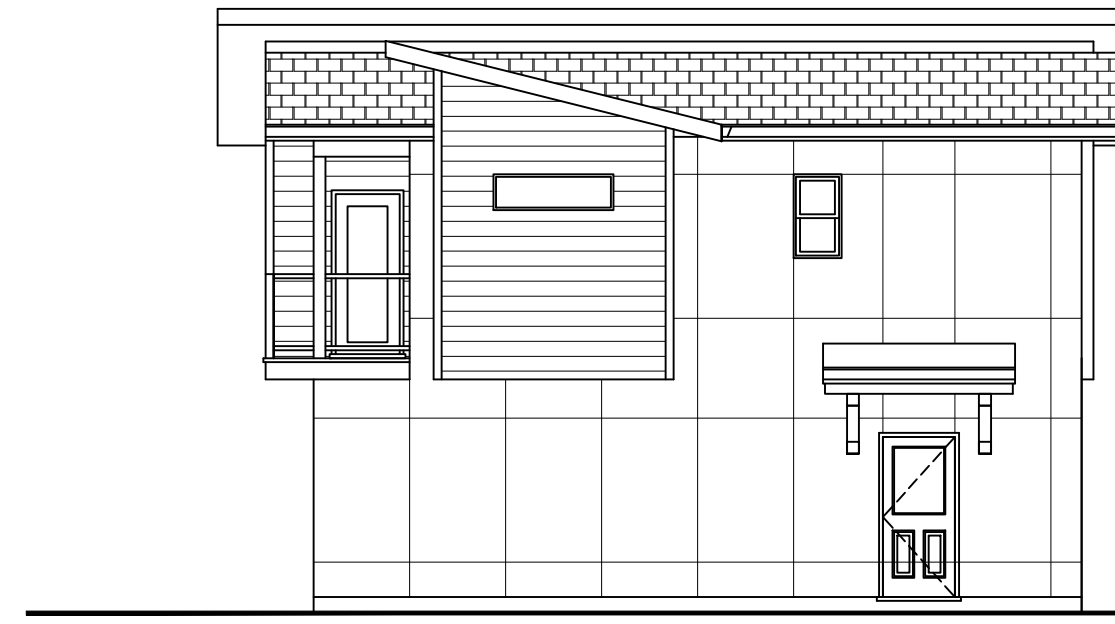


LOT 28 HOUSE FRONT (BAY AVE.) ELEVATION LOT 29



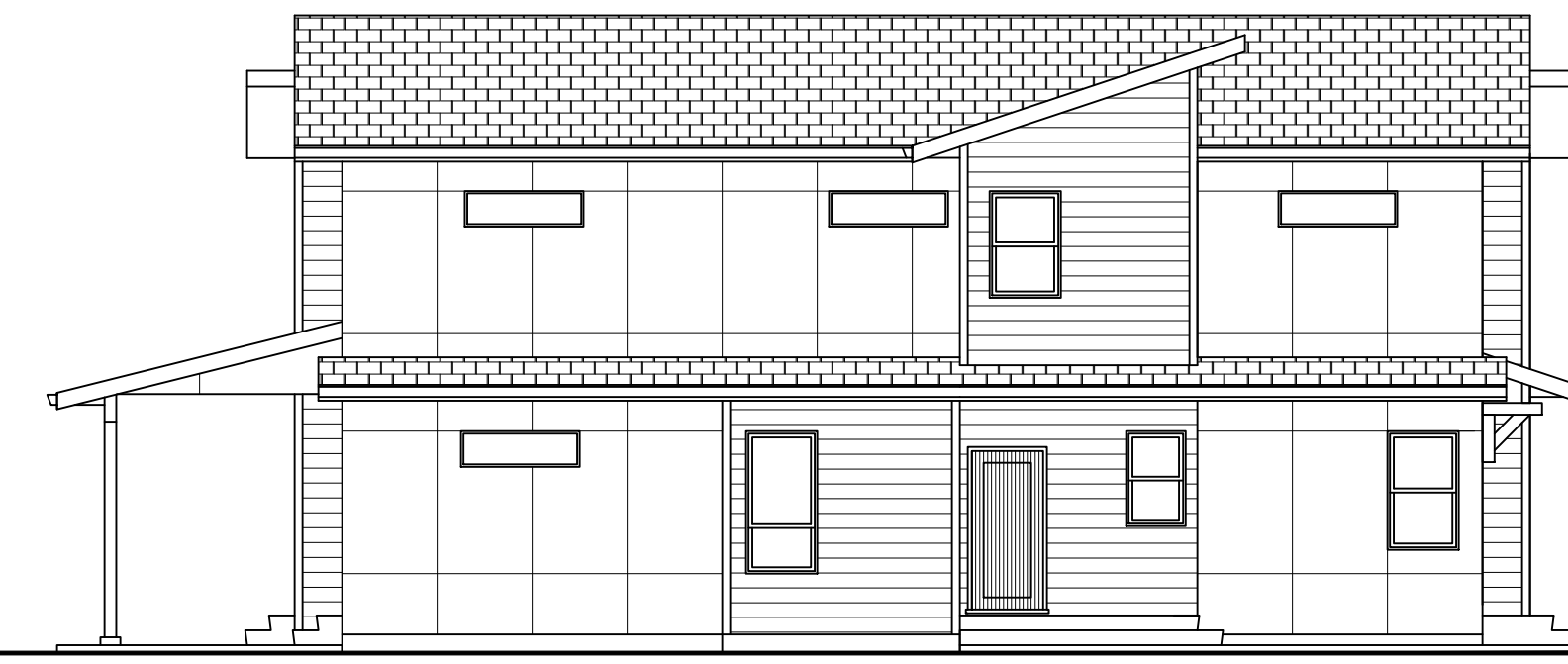
LOT 29 HOUSE REAR ELEVATION LOT 28

LANE



CARRIAGE HOUSE OUTSIDE ELEVATION

LOT 28



HOUSE LEFT ELEVATION

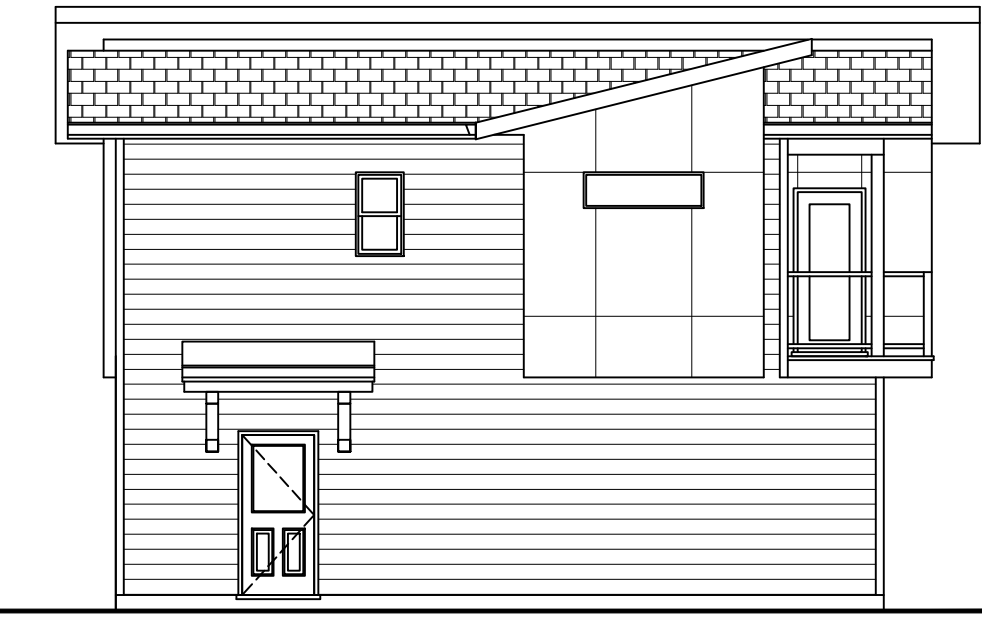
BAY AVE.

BAY AVE.



HOUSE RIGHT ELEVATION

LOT 29



CARRIAGE HOUSE OUTSIDE ELEVATION

LANE

HOUSE & CARRIAGE HOUSE ELEVATIONS ALONG EXTERIOR LOT LINES

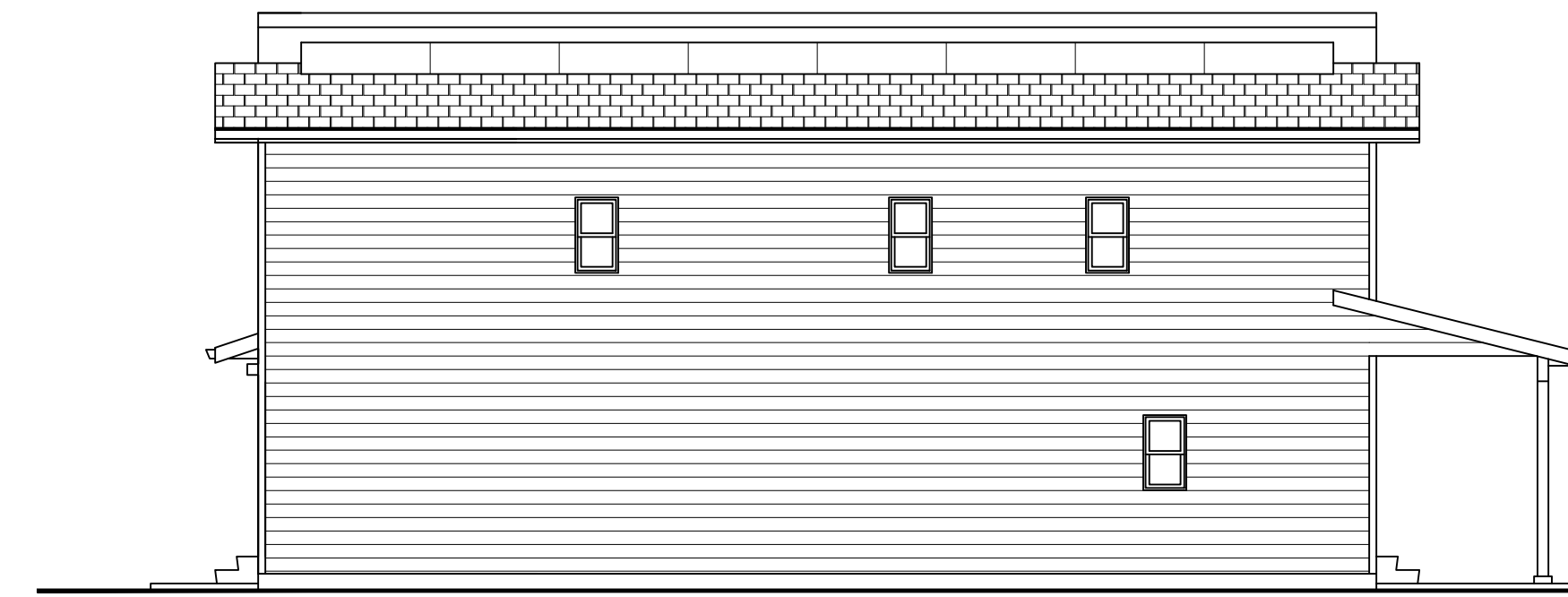


LOT 29 CARRIAGE HOUSE FRONT (LANE) ELEVATION LOT 28



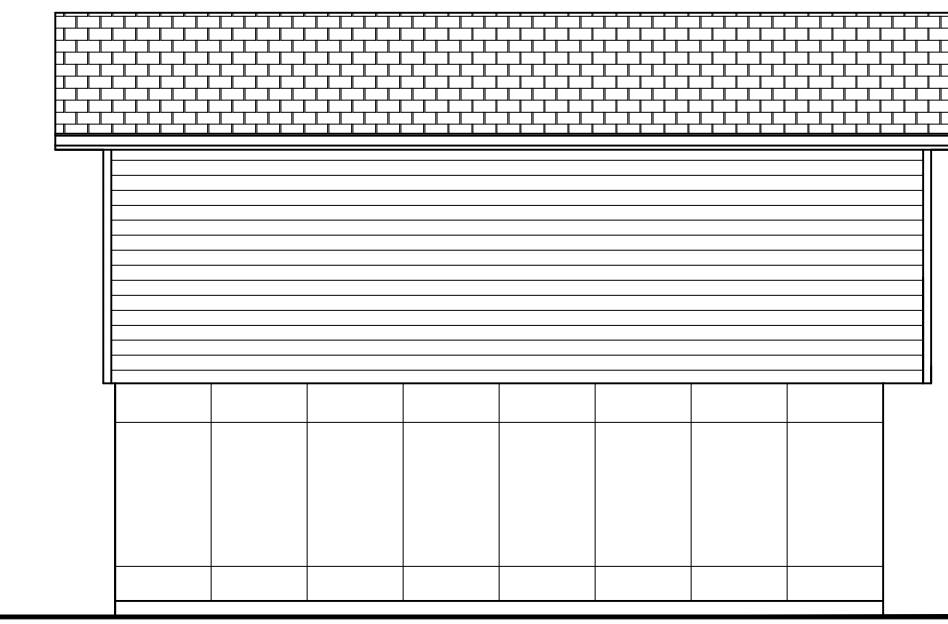
LOT 28 CARRIAGE HOUSE REAR ELEVATION LOT 29

BAY AVE.



HOUSE RIGHT (INSIDE) ELEVATION

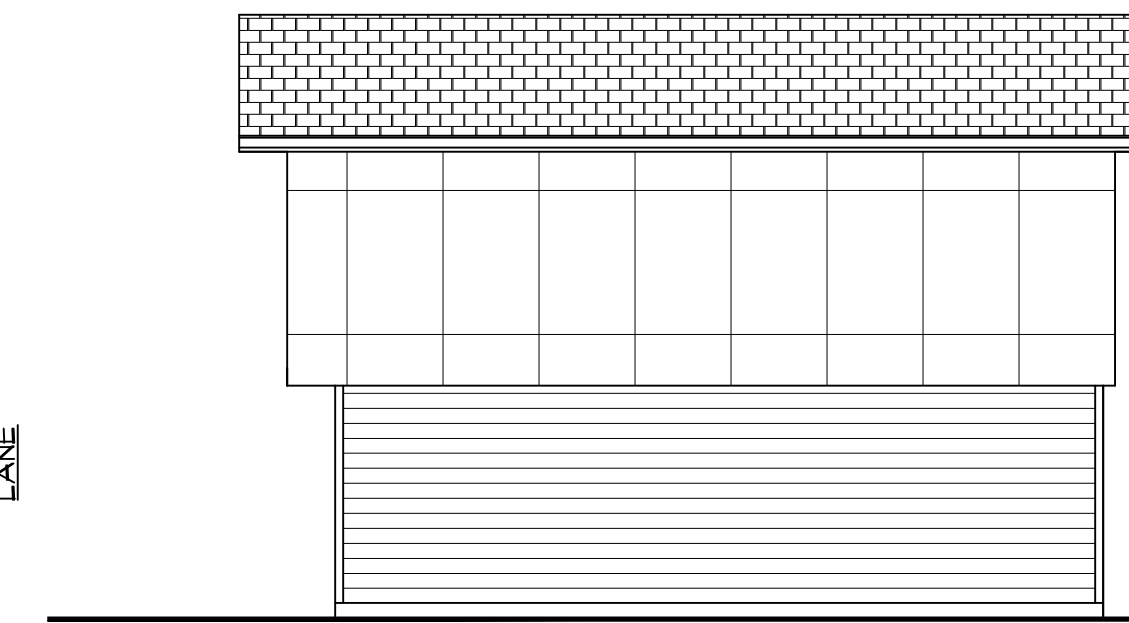
LOT 28



CARRIAGE HOUSE INSIDE ELEVATION

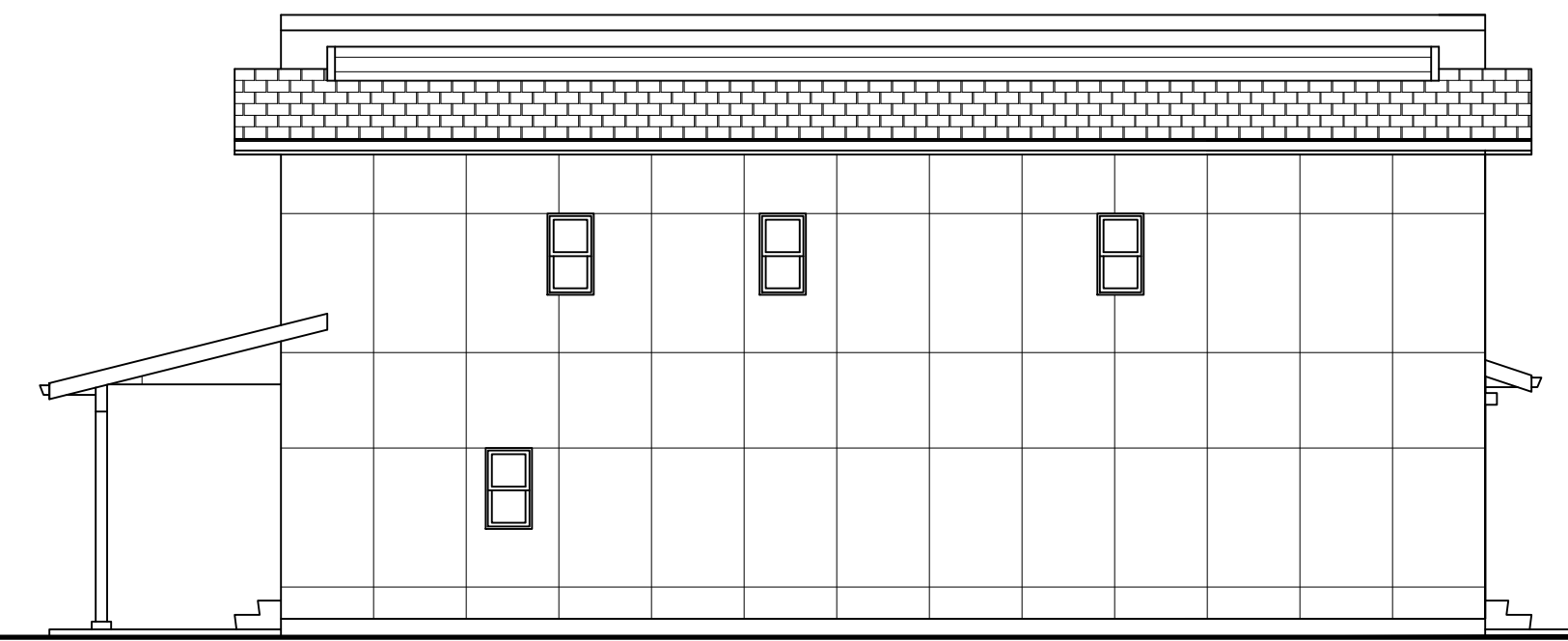
LANE

LANE



CARRIAGE HOUSE INSIDE ELEVATION

LOT 29



HOUSE LEFT (INSIDE) ELEVATION

BAY AVE.

HOUSE & CARRIAGE HOUSE ELEVATIONS ALONG INTERIOR LOT LINE

DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT VARIANCE PERMIT NO. DVP17-0128

Issued To: Folio Building Group Inc.
Site Address: 781 Bay Avenue
Legal Description: Lot 28 & 29 Section 30 Township 26 ODYD Plan 1304
Zoning Classification: RU6 – Two Dwelling Housing

SCOPE OF APPROVAL

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

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

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

1. TERMS AND CONDITIONS

THAT Development Permit No. DPV17-0128 for Lot 28 & 29 Section 30 Township 26 ODYD Plan 1304, located at 781 Bay Avenue, Kelowna, BC to allow the construction of two single family dwellings with a carriage houses be approved subject to the following:

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

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

Section 13: RU6 – Two Dwelling Housing

- 1) To vary the required side yard setback (adjoining lot line) on each property from 2-2.3m permitted to 1.2m proposed.
- 2) To vary the required carriage home roof height from 4.5m permitted to 6.26m proposed.

- 3) To vary the required upper storey floor area ratio to carriage house footprint from 75% permitted to 100% proposed

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

2. PERFORMANCE SECURITY

None required.

3. DEVELOPMENT

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

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

This Permit IS NOT a Building Permit.

4. Indemnification

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

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

5. APPROVALS

Issued and approved by Council on the _____ day of _____, 2017.

Ryan Smith, Community Planning Department Manager
Community Planning & Real Estate

Date

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