City of Kelowna Public Hearing AGENDA



Tuesday, October 6, 2015 6:00 pm Council Chamber City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

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

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

(c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after September 22, 2015 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

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

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

# 2. Notification of Meeting

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

# 3. Individual Bylaw Submissions

	3.1	BL11131 (TA15-0007) - Micro Suite Text Amendment	4 - 9
		To amend the Zoning Bylaw by establishing regulations dealing with sub-312 sq. ft. micro-suite housing.	
	3.2	5305 and 5315 Main Street, BL11138 (TA15-0009) Zoning Bylaw Text Amendment	10 - 16
		To allow for a retail liquor store on a site specific basis within the Kettle Valley Village Centre.	
	3.3	BL11139, BL11140 & BL11141 (TA14-0022) - Housekeeping Text Amendments	17 - 40
		To seek approval for housekeeping text amendments to Zoning Bylaw 8000	
	3.4	(South of) Academy Way, BL11143 (Z15-0006) - Watermark Development Ltd. & City of Kelowna	41 - 63
		To rezone portions of the subject properties in order to accommodate the development of a single family subdivision.	
4.	Termi	nation	
5.	Proce	dure on each Bylaw Submission	
	(a)	Brief description of the application by City Staff (Land Use Management);	
	• •	The Chair will request that the City Clerk indicate all information, pondence, petitions or reports received for the record.	
	. ,	The applicant is requested to make representation to Council regarding the t and is encouraged to limit their presentation to 15 minutes.	
	(d)	The Chair will call for representation from the public in attendance as follows:	

(i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.

(ii) The Chair will recognize ONLY speakers at the podium.

(iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.

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

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

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

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

# **REPORT TO COUNCIL**



Date:	August 24, 2015	K
RIM No.	1250-04	
То:	City Manager	
From:	Community Planning, Community Planning & Real Estate	
File Number:	TA15-0007	
Subject:	Micro Suite Text Amendment	

#### 1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA15-0007 to amend City of Kelowna Zoning Bylaw No. 8000 as described in Attachment A to the Report from the Community Planning Department dated August 24, 2015 be considered by Council;

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

# 2.0 Purpose

To amend the Zoning Bylaw by establishing regulations dealing with sub-312 sq. ft. micro-suite housing.

# 3.0 Community Planning

Micro-suites are an innovative niche form of housing that have the potential to serve a function in Kelowna's housing mix. They are presently treated as any other form of multi-family housing, rather than being recognized as a unique form of housing. The proposed bylaw amendments will address that and regulate micro-suites separately from traditional multi-family development.

The bylaw amendments will direct micro-suite development to the urban centers and near the university, where this form of housing is most likely to succeed in the long term. Allowing micro-suite housing in lower density areas without easy access to amenities and concentrated transportation options would likely lead to future challenges, as residents would pressure Council to provide those amenities and services.

# 4.0 Proposal

# 4.1 Background

In 2008 the Province updated the *Local Government Act* legislation pertaining to Development Cost Charges. This update included a DCC payment exemption for new residential units with sizes

less than 29m<sup>2</sup> (312 sq. ft). The intent at the time was to support the creation of small affordable housing units.

Initially, there was no developer interest in the smaller suites. However, in late 2014 several applications for micro-suite projects were submitted to the City.

In May of this year, Council directed staff to develop Zoning Bylaw Amendments to restrict microsuite housing to areas of the city where there are sufficient amenities and transit options to support micro-suite housing.

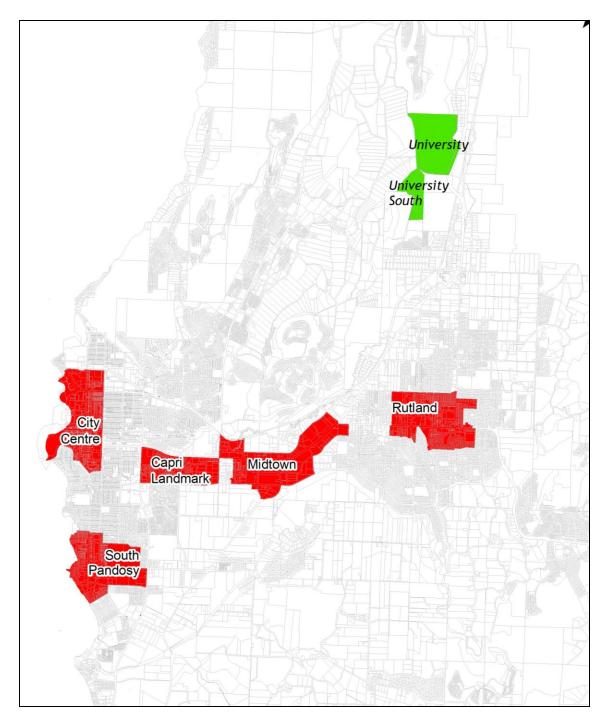
# 4.2 Bylaw Amendments

The proposed bylaw amendments are intended to distinguish micro-suite housing from other forms of multi-family housing. Because micro-suite housing will always be very small, staff anticipate that residents in micro-suites will take advantage of amenities outside of the home, such as parks, shopping and recreational activities. The proposed bylaw amendments would restrict micro-suite housing to identified Urban Centers or the University area, where there are more amenities available than in suburban neighbourhoods.

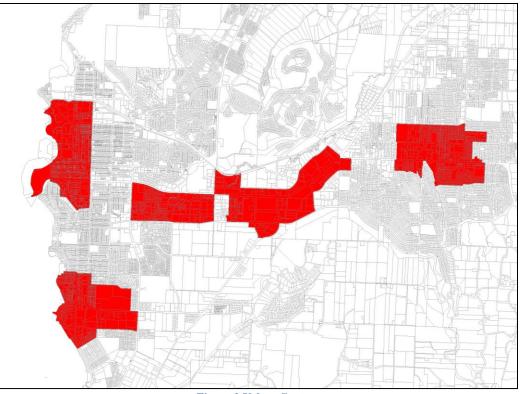
The bylaw also defines Micro-Suite Housing and restricts the form of housing to certain higherdensity residential and mixed use zones. The zones where the Micro-Suites would be permitted are:

- RM4 Transitional Low Density Housing
- RM5 Medium Density Multiple Housing
- RM6 High Rise Apartment Housing
- C4 Urban Centre Commercial
- C7 Central Business Commercial
- CD20 Comprehensive University Development
- CD22 Central Green Comprehensive Development

The bylaw will also require that any new Micro-Suite housing be within 400 m, or approximately a  $\frac{1}{4}$  of a mile, of a transit stop. This is not expected to be an issue in any of the Urban Centres, where transit is readily available.







#### Figure 2 Urban Centers

### 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### **Development Process**

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

**Complete Communities.** Support the development of complete communities with a minimum intensity of approximately 35 - 40 people and/or jobs per hectare to support basic transit service - a bus every 30 minutes.

#### Report prepared by:

Ryan Roycroft, Planner

 Approved for Inclusion:
 Ryan Smith, Community Planning Department Manager

 Attachments:

Attachments: Bylaw Amendments

		Zoning Bylaw No	
No.	Section	Explanatory Note	
1.	2.3.3 Add definition of Micro Suite Housing	MICRO SUITE HOUSING means multiple housing where individual dwelling units are less than 29 sq. m in area.	Adds definition of Micro Suite Housing
2.	9.11 Add Section for Micro Suites	<ul> <li>9.11 MICRO SUITE HOUSING</li> <li>9.11.1 Micro-suite housing is only permitted on lots where the use is permitted in the zone, in the following areas: Urban Centers as defined in the Official Community Plan The University South Village Center as defined in the Official Community Plan</li> <li>9.11.2 Micro-Suite Housing must be located within 400 m of a bus stop or transit station.</li> </ul>	Adds Specific Use Section for Micro-Suites
3.	13.10 RM4 Transitional Low Density Housing Add Micro-suite use	Add as a principal use to 13.10.2 Principal Uses: Micro-Suite Housing	Adds Micro-Suite Housing use
4.	13.11 - RM5 Medium Density Housing Add Micro-suite use	Add as a principal use to 13.11.2 Principal Uses: Micro-Suite Housing	Adds Micro-Suite Housing use

5.	13.12 - RM6 High Rise Apartment Housing Add Micro-suite use	Add as a principal use to 13.12.2 Principal Uses: Micro-Suite Housing	Adds Micro-Suite Housing use
6.	14.4 C4 - Urban Centre Commercial Add Micro-suite use	Add as a principal use to 14.4.2 Principal Uses: Micro-Suite Housing	Adds Micro-Suite Housing use
7.	14.7 C7 - Central Business Commercial Add Micro-suite use	Add as a principal use to 14.4.2 Principal Uses: Micro-Suite Housing	Adds Micro-Suite Housing use
7.	Section 19 CD20 Add Micro-suite use	Add as a principal use to Section 19.1.2 Principal Uses: 1.2 Principal Uses: Micro-Suite Housing	Adds Micro-Suite Housing use
7.	Section 19 CD22 - Schedule 7 CD22 Sub Areas A & B Add Micro-suite use	Add as a principal use to Section 19, CD22 Schedule 7 7.2 Principal Uses: Micro-Suite Housing	Adds Micro-Suite Housing use

# **REPORT TO COUNCIL**



Date:	September 14, 2015
RIM No.	1210-20
То:	City Manager
From:	Community Planning Department(AC)
Application:	TA15-0009
Address:	5305-5315 Main Street
Subject:	Zoning Bylaw Text Amendment

# 1.0 Recommendation

THAT Zoning Bylaw Text Amendment No. TA15-0009 to amend the City of Kelowna Zoning Bylaw No. 8000 by adding "Retail Liquor Sales Establishment - applicable only to Lot 1, District Lot 23, Township 28, SDYD, Plan KAP91191 (5305-5315 Main Street)" to Section 1.2 Principal Uses in the CD2 - Kettle Valley Comprehensive Residential Development zone be considered by Council;

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

# 2.0 Purpose

To allow for a retail liquor store on a site specific basis within the Kettle Valley Village Centre.

#### 3.0 Community Planning

Staff supports the text amendment (TA15-0009) to allow retail liquor sales at the Kettle Valley Neighbourhood Centre. The purpose of Neighbourhood Centres, as identified within the OCP, is to provide goods and services for the convenience needs of nearby residents. Therefore, the use of a retail liquor sales establishment is consistent with the policies identified within the OCP. Other zones, such as C4 or C7 require a minor rezoning to add the 'rls' (retail liquor store) designation. The CD2 - Kettle Valley Comprehensive Residential Development Zone does not have an 'rls' designation, and the site-specific text amendment is necessary to allow the use.

The applicant has completed their neighbour consultation as per Council Policy No. 367 (public consultation) by individually contacting the adjacent neighbours as described in the attached *Schedule 'A'*. No major issues were identified.

#### 4.0 Proposal

#### 4.1 Site Context

Adjacent land uses are all zoned CD2 - Kettle Valley Comprehensive Development Zone. The specific land uses are as follows:

Orientation	Zoning	Land Use
North	Type X - Commercial Village Centre	Commercial
East	Type III or IV Village/Park Single Family	Residential
South	Type IX - Mixed Use Village Centre	Vacant
West	Type V - Village Small Single Family / Multi- family	Residential

#### Subject Property Map: 5305-5315 Main Street



# 5.0 Current Development Policies

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

#### **Development Process**

**Compact Urban Form.**<sup>1</sup> 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.

**Complete Suburbs**<sup>2</sup>. Support a mix of uses within Kelowna's suburbs (see Map 5.1 - Urban Core Area), in accordance with "Smart Growth" principles to ensure complete communities. Uses that should be present in all areas of the City (consistent with Map 4.1 - Future Land Use Map), at appropriate locations, include: commercial, institutional, and all types of residential uses (including affordable and special needs housing)

<sup>&</sup>lt;sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>&</sup>lt;sup>2</sup> City of Kelowna Official Community Plan, Chapter 5.1 (Development Process Chapter), Objective 5.2, Policy 3.

at densities appropriate to their context. Building heights in excess of four storeys will not be supported within the suburban areas, unless provided for by zoning existing prior to adoption of OCP Bylaw 10500.

# 6.0 Technical Comments

6.1 Building & Permitting Department

No comment

6.2 Development Engineering Department

No comment

6.3 Ministry of Transportation and Infrastructure

Thank you for the above-noted referral. The Ministry has no concerns or objections as it is beyond our jurisdiction.

# 7.0 Application Chronology

Date of Application Received:	August 6 <sup>th</sup> 2015
Date Public Consultation Completed:	August 18 <sup>th</sup> 2015

Report prepared by:

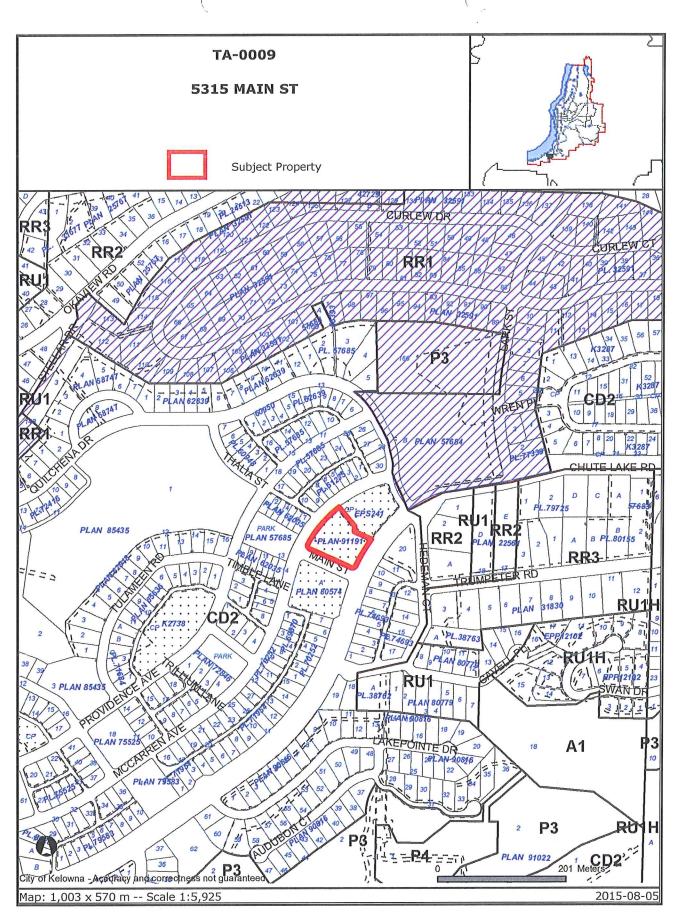
Adam Cseke Planner 2

Reviewed by:

Lindsey Ganczar, Planning Supervisor

Attachments: Site Plan Applicant Rationale Neighbourhood Consultation





Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

To City of Kelowna Rezoning

From Tony Overton & Susan Overton

24th July 2015

We are the registered owners of the Village Centre, lot 1, section 23, township 28, SDYD, planKAP91191, PID 028-291-827

In 2011 we built an additional commercial building to enlarge the Village Centre from approx. 17,000 sq ft to almost 30,000 sq ft. We now have 19 businesses operating from the Village Centre, but 2,000 sq ft remains unoccupied and "unfinished space"

An offer has been made to lease and finish the remaining 2,000 sq ft of space, but this is subject to obtaining either a "text amendment" or rezoning to allow a liquor store. There is not a liquor store in the Upper Mission and residents have requested that this service is offered from the Village Centre. Convienence is one reason but safety is also another, as many people do not want to drive down into the Lower Mission in the Winter months, as this can be very challenging due to the steep hills which link the Upper and Lower Mission area.

Liquor licenses are very expensive and very hard to come by, so it would be very much appreciated if this was reviewed and approved as quickly as possible.

Thank you

Tony & Susan Overton



# Neighbour Consultation Form (Council Policy No.367)

A summary of neighborhood consultation efforts, feedback and response must be provided to City staff, identifying how the efforts meet the objectives of this Policy. This form must be filled out and submitted to the File Manager a minimum of 20 days prior to initial consideration by Council.

consultation in accordance with Council Policy No. 367.

- My parcel is located **outside** of the Permanent Growth Boundary and I have consulted all owners & occupants within a 300m radius
- My parcel is located inside of the Permanent Growth Boundary and I have consulted all owners & occupants within a 50m radius

I have consulted property owners and occupants by doing the following: 1 have placed

a letter at the front door of each property within 50 meters of the Village contract.

Please initial the following to confirm it has been included as part of the neighbour consultation:

- Location of the proposal;
- Detailed description of the proposal, including the specific changes proposed:
- Visual rendering and/or site plan of the proposal;
- Contact information for the applicant or authorized agent;
- TO Contact information for the appropriate City department;
- Identification of available methods for feedback.

Please return this form, along with any feedback, comments, or signatures to the File Manager 20 days prior to the anticipated initial consideration by Council date. On the back of this form please list those addresses that were consulted.

SCHEDULE	A
This forms part of	development
File # TA	15-0009

City of Kelowna 1435 Water Street Kelowna, BC, V1Y 134 TEL 250 469-8600 FAX 250 862-3330 kelowna.ca

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# **Report to Council**

Date:	September 15, 2015	City of <b>Kelowna</b>
Rim No.	1250-04	Relowing
То:	City Manager	
From:	Ryan Roycroft, Planner	
Subject:	Housekeeping Text Amendments for the Zoning By	ylaw 8000

#### **Recommendation:**

THAT Zoning Bylaw Text Amendment No. TA14-0022 to amend City of Kelowna Zoning Bylaw No. 8000 by amending the text found in "Schedule A" of the Report of the Urban Planning Department dated March 18, 2015, be considered by Council;

AND THAT Bylaw No. 11139 – Housekeeping Text Amendments to Zoning Bylaw No. 8000 be forwarded for reading consideration;

AND THAT Bylaw No. 11140 – Housekeeping Text Amendments to Zoning Bylaw No. 8000 be forwarded for reading consideration;

AND THAT Bylaw No. 11141 – Housekeeping Text Amendments to Zoning Bylaw No. 8000 be forwarded for reading consideration;

AND THAT the Text Amendment bylaws be forwarded to Public Hearing for further consideration.

AND FURTHER THAT final adoption of the Zone Amending Bylaws be considered subsequent to a review by the Ministry of Transportation & Infrastructure being completed to their satisfaction.

#### Purpose:

To seek approval for housekeeping text amendments to Zoning Bylaw 8000

#### **Background:**

City staff has identified amendments to the Zoning Bylaw which seek to improve the implementation and readability of the rules found within the document. Schedule "A" lists these proposed changes.

Text amendments include:

• Removing definitions which were redundant or otherwise no longer utilized

- Removing development guidelines rules for secondary suites and carriage homes from the RU1 and RU2 zoning and placing them all under the Specific Use Regulations Section for ease of recall
- Without altering parking regulations, changing Parking Schedule table format and removing some erroneous text which were repeated in other Sections
- Fixing incorrect text (typos) and inconsistent terms

A detailed explanation of all text amendments can be found in Schedule "B."

None of the proposed amendments significantly increase regulation surrounding the development of land and thus staff have provided a copy of the amendments to the Urban Development Institute as a courtesy but have not sought feedback.

Staff from several City Departments collaborated on the amendments including the City's Urban Planning Branch, Building and Permitting Branch, Subdivision, Agriculture and Environment Branch and the Policy and Planning Branch.

# Internal Circulation:

Development Engineering: No concerns with proposed Zoning Bylaw amendments

**Policy and Planning:** Policy and Planning has no concerns with the proposed amendments.

**Building and Permitting Branch:** No concerns with proposed Zoning Bylaw amendments.

Subdivision, Agriculture & Environment Branch: No concerns with the proposed amendments.

#### Considerations not applicable to this report:

Legal/Statutory Authority: Legal/Statutory Procedural Requirements: Financial/Budgetary Considerations: Personnel Implications: External Agency/Public Comments: Communications Comments: Alternate Recommendation:

Submitted by:

Ryan Roycroft, Planner

# Attachments:

Schedule "A" - Summary Table of Proposed Text Amendments with Explanation

	Zoning Bylaw No. 8000						
No.	Section	Existing Text	Proposed Text	Explanation of change			
SE	CTIONS 1	& 2					
1	1 - General Administration 1.3.4 Zoning Map	(a) An "s" notation shown on Schedule "A" as part of the identified <b>zone</b> classification indicates that a secondary use in the form of a <b>secondary suite</b> is permitted on the properties so designated, subject to meeting the conditions of use of the <b>zone</b> . An "s" zoning classification on a property shall be established by rezoning the subject property to the "s" version of the parent <b>zone</b> .	(a) a "c" notation shown on Schedule "A" as part of the identified <b>zone</b> classification indicates that a <b>secondary use</b> in the form of a <b>carriage house</b> is permitted on the properties so designated, subject to meeting the conditions of <b>use</b> of the <b>zone</b> . A "c" zoning classification on a property shall be established by rezoning the subject property to the "c" sub- zone of the parent <b>zone</b> .	Switched the "s" modifier sub zone with the "c" modifier as the "s" was removed and "c" denotes a zone permitting a carriage house			
2	1 - General Administration 1.3 Zoning Map	RH1 Hillside Large Lot Residential/ RH1s Hillside Large Lot Residential with <b>Secondary suite</b>	RH1 Hillside Large Lot Residential	Removed the "s" modifier sub zone as the "s" was removed from the Zoning Bylaw, as zones may permit a secondary suite without re- zoning if it is a listed secondary use			
3	<ol> <li>General Administration</li> <li>Zoning Map</li> </ol>	Section 13 RM1 Four-plex Housing	Section 13 RM1 Four dwelling Housing	A typing error. A four-plex housing type does not exist in the Zoning Bylaw.			
4	1 - General Administration 1.7 Non- Conforming Uses	1.7.1 Non-conforming agricultural, residential, or rural residential lots less than 0.2 ha., which existed prior to August 10, 1976, shall be developed in	1.7.1 Non-conforming Agricultural, Urban Residential, or Rural Residential lots less than 0.2 ha., which existed prior to August 10, 1976, shall be developed in	Switched the "s" modifier sub zone with the "c" modifier as the "s" was removed and "c" denotes a zone permitting carriage			

		accordance with the provisions and regulations of the RU1, RU1(s), or RU1(h) zones.	accordance with the provisions and regulations of the RU1, RU1c, RU1h, RU1hc zones.	homes.
5	<ul> <li>General Administration</li> <li>1.8 Under Sized Lots</li> </ul>	1.8.4 A lot having less than the required minimum lot size in a zone may be rezoned to add the "s" notation to the zone classification to permit a secondary suite as a secondary use, provided the lot was created before adoption of City of Kelowna Zoning Bylaw No. 8000 and the development otherwise complies with all regulations of the Zoning Bylaw.	1.8.4 Deleted	Removed this regulation as the "s" sub zone no longer exists.
6	2 - Interpretation 2.3 General Definitions	BALCONY means a platform, attached to and projecting from the face of a building with or without a supporting structure above the first storey, normally surrounded by a balustrade or railing and used as an outdoor porch or sun-deck with access only from within the building.	BALCONY means an uncovered platform, attached to and projecting from the face of a building, above the first storey, which is only accessed from within a building.	Removed wording ("surrounded by a balustrade or railing and used as an outdoor porch or sundeck") which was implicit of and limiting to the definition of a balcony.
7	2 -Interpretation 2.3.3 General Definitions	<b>BEDROOM</b> means a room containing a window, located in a <b>dwelling</b> , which due to its design or location in the <b>dwelling</b> , is or may be <b>used</b> primarily for sleeping. It includes dens, lofts, studies, and libraries.	<b>BEDROOM</b> means a room located within a <b>dwelling</b> and where the primary function is for sleeping. It may include, but is not limited to: dens, lofts, studies and libraries.	Amending the definition of bedroom so that development staff (planners, plan checkers, bylaw enforcement) has more discretion on when to consider a room a bedroom.

8	2 - Interpretation 2.3 General Definitions	<b>DECK</b> means a <b>structure</b> more than 0.6 m above grade without a roof or walls, except for visual partitions and railings, for <b>use</b> as an outdoor amenity area.	<b>DECK</b> means an uncovered, platform without a roof or walls, which may include visual partitions and railings, and has a surface height greater than 0.6 m above grade.	Amended definition to read "uncovered" and to specify that height is measured from the deck surface.
11	2 - Interpretation 2.3.3 General Definitions	LOT COVERAGE (see SITE COVERAGE).	Deleted	Removed definition of "lot coverage" as the definition referred to "site coverage" and was not defined on its own. Replaced all instances of "lot coverage" with "site coverage" in the Zoning Bylaw.
12	2-Interpretation 2.3 General Definitions	MULTIPLE DWELLING HOUSING means housing on a single lot other than a strata lot that contains three or more dwelling units	MULTIPLE DWELLING HOUSING means housing on a single lot other than a bareland strata lot that contains five or more dwelling units.	Definition was too broad and captured other types of dwellings when it should only refer to denser housing types
13	2-Interpretation 2.3.3 General Definitions	PARKING SPACE means an off- street space of the size and dimensions to park one vehicle in conformance with Section 8 of this Bylaw exclusive of driveways, aisles, ramps, or obstructions.	<b>PARKING SPACE</b> means an off- <b>street</b> space of the size and dimensions to park one <b>vehicle</b> , exclusive of driveways, aisles or ramps, which complies with Section 8 of this Bylaw.	Removed "obstructions" from the parking space definition. Another amendment clarifies what is considered an obstruction.

14	2 - Interpretation 2.3.3 General Definitions	None	<b>PATIO</b> means a platform, which may or may not be attached and projecting from the face of a <b>building</b> , with a surface height that does not exceed 0.6 m from <b>grade</b> at any point.	No definition of PATIO exists yet the Zoning Bylaw refers to an "uncovered patio." Creating a definition solidifies the difference between a deck and a patio.
15	2 - Interpretation 2.3.3 General Definitions	PRIVATE OPEN SPACE means a useable open space area exclusive of required building setbacks and parking areas (common or individual) which is developed for the recreational use of the residents or a residential dwelling unit, and may include balconies, indoor common amenity space, terraces, decks and level landscaped recreation areas.	PRIVATE OPEN SPACE means a useable open space area, exclusive of parking spaces, which is developed for the recreational use of the residents of a residential dwelling unit, and may include balconies, indoor common amenity space, terraces, decks and level landscaped recreation areas.	Removed "exclusive of required building setbacks" because homes which had minimum required yards could not develop secondary dwellings. Parcels still shall provide the minimum 30m <sup>2</sup> of private open space per dwelling on the parcel.
16	2 - Interpretation 2.3.3 General Definitions	None	ROW HOUSE means three or more dwelling units, which each have a direct entrance at grade, and where no dwelling is located wholly or partially above another dwelling unit.	No definition for Row House yet Zoning Bylaw refers to this housing type.
17	2 - Interpretation 2.3.3 General Definitions	SITE COVERAGE means the percentage of the total horizontal area of a lot or lots that may be built upon including accessory buildings or structures (including carports, a covered patio larger than 23 m <sup>2</sup> , and decks over 0.6 m in height) excluding steps, eaves, cornices, cantilevered balconies	SITE COVERAGE means the percentage of the total horizontal area of a lot or lots that may be built upon including accessory buildings or structures (including carports, a covered patio which is 23m <sup>2</sup> or larger, and decks) except it does not include steps, eaves, cornices, cantilevered balconies,	Amended definition wording to be more consistent with similar rules within the Zoning Bylaw.

		and similar projections permitted by this Bylaw, breezeways, and open courtyards.	pergolas, courtyards garden plots or similar projections permitted by this Bylaw	
19	2 - Interpretation 2.3 General Definitions	None	TEMPORARY PARKING LOT means a surface parking lot which has been granted temporary approval, for up to 3 years, for the temporary parking of vehicles and shall incorporate a <b>dust free surface</b> .	Will capture the fact that the parking lots are temporary (up to 3 years). Amended to require the surface be a dust free surface, which includes asphalt or other paving materials in the definition for "dust free surface."
20	2 - Interpretation 2.3 General Definitions	YARD means an area created by setback measured 0.5 m above grade.	YARD means an area created by a building setback from a property line.	Removed the "0.5m" as this measurement is used in other definitions where it fits the context of the regulation better. For example "patios."
21	2 .3 General Definitions	Incorrect alphabetical order		Definitions are not in alphabetical order.
SE	CTION 6 th	rough 8		
22	6 - General Development Guidelines 6.4 Projections	6.4.2 Unenclosed steps, eaves, awnings, decks, canopies, balconies, or porches may project into a required yard provided such projections do not exceed 0.6 m in	6.4.2 Unenclosed steps, eaves, awnings, decks, canopies, balconies, and porches shall not project more than 0.6 m into a required yard except they may	Cleaned up wording as all setback requirements, other than the rear yard exception, were 0.6m.

23	Into Yards 6 - General Development	the case of a front or side yard on a flanking street, 0.6 m in the case of an interior side yard, and 2.5 m in the case of a rear yard greater than 6.0 m. 6.14.3 When new lots are created abutting a watercourse where a	project 2.5m into a required rear yard. 6.14.3 When new <b>lots</b> are created abutting a <b>watercourse</b> where a	Removed that a projection could project 2.5m into a rear yard which was greater than 6.0m because rule could be easily misinterpreted. Replaced all instances of "lot coverage" with "site
	Regulations 6.14 Riparian Management Areas Setbacks	<b>Riparian Management Area</b> setback is required; the land within the <b>RMA</b> may be used for calculating the minimum <b>lot</b> area and for the determination of permitted <b>density</b> and <b>lot</b> <b>coverage</b> .	<b>Riparian Management Area</b> setback is required, the land within the <b>RMA</b> may be used for calculating the minimum <b>lot</b> area and for the determination of permitted <b>density</b> and <b>site coverage</b> .	coverage" as lot coverage is not properly defined in the Zoning Bylaw.
24	<ul><li>7 - Landscaping and Screening</li><li>7.5 Fencing and Retaining Walls</li></ul>	7.5.4 No <b>fence</b> in a commercial or industrial <b>zone</b> shall exceed 2.4 m.	7.5.4 No fence in a Commercial, Public and Institutional or Industrial zone shall exceed 2.4 m.	The Public and Institutional Zone were not listed in this rule and so was added.
25	<ul><li>7 - Landscaping and Screening</li><li>7.6 Minimum Landscape Buffers</li></ul>	<ul> <li>7.6.9 In addition to the minimum landscape buffer treatment levels above:</li> <li>(a) all lands adjacent to Highways 33 and 97, except those in agricultural zones and within Urban Centres, are required to have Level 4 landscape buffer treatment unless super-ceded by development permit guidelines;</li> <li>(b) all internal lot lines on a site being comprehensively developed are exempt from</li> </ul>	<ul> <li>7.6.9 In addition to the minimum landscape buffer treatment levels above:</li> <li>(a) all lands adjacent to Highways 33 and 97, except those in agricultural zones and within Urban Centres, are required to have Level 4 landscape buffer treatment unless superseded by development permit guidelines;</li> <li>(b) -deleted</li> <li>(b) all industrial zone properties shall have a Level 3 buffer zone when adjacent to non-industrial</li> </ul>	Deleted (b) and (j) as they were erroneous.

<ul> <li>side yard buffer zones;</li> <li>(c) all industrial zone properties shall have a Level 3 buffer zone when adjacent to non- industrial zone properties;</li> <li>(d) CD zones shall specify the buffer treatment levels for the CD site;</li> <li>(e) all non-accessory surface parking lots in an urban centre shall have a level 2 buffer zone;</li> <li>(f) required landscape islands in parking areas shall have the same level of landscaping as a Level 2 buffer zone; and</li> <li>(g) recreational vehicle parking</li> </ul>	<ul> <li>zone properties;</li> <li>(d) CD zones shall specify the buffer treatment levels for the CD site;</li> <li>(e) all non-accessory surface parking lots in an urban centre shall have a level 2 buffer zone;</li> <li>(f) required landscape islands in parking areas shall have the same level of landscaping as a Level 2 buffer zone; and Level 5 buffer zone; and</li> <li>(h) on corner lots, front yard landscape buffers shall apply to all street frontages; or</li> <li>(i) for development in industrial zones with parking located in front of the building, Level 4</li> </ul>	
<ul> <li>compounds in residential zones shall have a Level 5 buffer zone;</li> <li>(h) on corner lots, front yard landscape buffers shall apply to all street frontages; for development in industrial zones with parking located in front of the building, level 4 buffers shall apply for the front yard, and in the case of a corner lot, for the front yard and the flanking side yard; and</li> <li>(j) all properties abutting Highways 97 and 33 require a level 4 buff along the highway frontage.</li> </ul>	buffers shall apply for the front yard, and in the case of a corner lot, for the front yard and the flanking side yard; and (j) deleted	

26	8 - Parking and Loading 8.1.2 Off -Street Parking	None	(b) parking spaces for secondary uses shall be provided in addition to the required parking spaces for the principal use on a site.	Removes need for extensive wording within 8.1 parking schedule.
27	8 - Parking and Loading 8.1.9 - Off Street Parking	None	(d) all <b>parking spaces</b> shall be hard surfaced in Residential zones and be a <b>dust free surface</b> in all other zones.	Discourages vehicles being parked on surfaces not intended for them.
28	8 - Parking and Loading Table 8.1.11 Size and Ratio	<ul> <li>(l) where the use of a parking space is limited on both sides by a wall or a column 3.0m (unobstructed with from face to face of column)</li> <li>(m)where the use of a parking space is limited on one side by a wall or column 2.7m (or 3.0m if a door opens into that one side)</li> <li>(n) where a building door opens into the parking space on its long side. 3.3m (unobstructed width)</li> </ul>	<ul> <li>8.1.12b Where a parking space abuts an obstruction (including but not limited to columns, property lines, curbs, walls and fences) the parking space shall: <ul> <li>i. be an additional 0.2 m wider where the parking space abuts an obstruction on one side;</li> <li>ii. be an additional 0.5 m wider where the parking space abuts an obstruction on both sides; and</li> <li>iii. be an additional 0.8 m wider where the parking space abuts a door way; and</li> <li>iv. shall be measured to the edge of the obstruction closest to the parking space</li> </ul> </li> </ul>	Amended parking space width requirements to be in width increments relating to the location of an obstruction instead of requiring one standard size for a parking space abutting an obstruction.
29	8 - Parking and Loading Table 8.1.11 Size and Ratio	*Note: Length, width and height measurements shall be clear of obstructions (access aisles, ramps, columns). Spacing measurements shall be taken from the inside to inside of columns."	8.1.12a Length, width and height measurements shall be clear of obstructions (including but not limited to columns, <b>property lines</b> , curbs, walls and fences). Spacing measurements shall be taken from the inside to inside of obstructions	Amended to add "note" as a rule in the Zoning Bylaw for ease of enforcement and to clarify what is meant by "obstructions."

30	8 - Parking and	*BICYCLE PARKING, CLASS I	8.3.1 Bicycle parking, CLASS I	Amended "note" to read as a
	Loading	means bicycle parking that is	means bicycle parking that is	rule for ease of enforcement.
	8.3 Bicycle Parking	provided for residents, students, or	provided for residents, students, or	
	Schedule	employees of a <b>development</b> . It is	employees of a <b>development</b> . It is	
		intended for the long term secure	intended for the long term secure	
		parking of bicycles and includes	parking of bicycles and includes	
		bicycle lockers, compounds or	bicycle lockers, compounds or rooms	
		rooms specifically provided and	specifically provided and equipped	
		equipped for bicycle storage, and	for bicycle storage.	
		individual garages or carports for		
		each dwelling unit.	8.3.2 Bicycle parking, CLASS II	
		_	means bicycle parking that is	
		*BICYCLE PARKING, CLASS II	provided for patrons or visitors of a	
		means bicycle parking that is	development. It is intended for the	
		provided for patrons or visitors of a	short term parking of bicycles and	
		development. It is intended for the	includes racks, lockers, or other	
		short term parking of bicycles and	structurally sound devices designed	
		includes racks, lockers, or other	to secure one or more bicycles in an	
		structurally sound devices	orderly fashion.	
		designed to secure one or more		
24		bicycles in an orderly fashion.		
31	8 - Parking and	(g)	Table 8.1 Parking Schedule	Remove table format.
	Loading		(a) Apartment Hotels:	Cleaned up wording which
	Table 8.1 Parking Schedule		1.0 spaces per sleeping unit;	referenced words which had
	Residential		1.0 spaces per 7 <b>dwelling</b> units	no definitions.
	Residential		which shall be designated as visitor <b>parking spaces</b>	Deleted Special Needs
			(b) Apartment Housing:	Housing from parking
			1.0 spaces per bachelor dwelling	schedule as the Section the
			unit;	parking schedule referred to
			1.0 spaces per 7 dwelling units	had been deleted and Special
			which shall be designated as	Needs Housing use is not
			visitor parking spaces	listed in any zone but is
			(c) Row Housing:	captured under the definition
			1.25 spaces per 1 bedroom	of Supportive Housing Major
			dwelling unit;	and Minor.

	1.0 spaces per 7 dwelling units
	which shall be designated as
	visitor parking spaces
	(d) Stacked Row Housing:
	1.5 spaces per 2 bedroom
	dwelling unit;
	2.0 spaces per 3 bedroom
	dwelling units;
	1.0 space per <b>dwelling unit</b> in
	the C4 and C7 commercial
	zones; and
	1.0 spaces per 7 dwelling units
	which shall be designated as
	visitor parking spaces
	(e) Bed and Breakfast Homes:
	1.0 space
	(f) Boarding or Lodging Houses:
	1.0 space per 2 sleeping rooms;
	(g) Group Homes, Major:
	1.0 space per 3 beds
	(h) Carriage House:
	1.0 space
	(i) Group Homes, Minor:
	1.0 space per principal dwelling
	unit;
	1.0 space per 3 beds
	(j)Temporary Shelter Services:
	1.0 space per principal dwelling;
	1.0 space per 3 beds
	(k) Congregate Housing:
	1.0 space per principal dwelling;
	1.0 space per 3 beds; and
	3.0 spaces or 1.0 space per
	resident staff member whichever
	is greater
	(l) Home Based Business, Major:

<ul> <li>1.0 space</li> <li>(m) Home Based Business, Minor: No spaces required</li> <li>(n) Home Based Business, Rural: 1.0 space</li> <li>(o) Mobile Homes in RM7 zone: 2.0 spaces per dwelling unit; 1.0 spaces per 7 dwelling units which shall be designated as visitor parking spaces</li> <li>(o) Secondary Suites: 1.0 space (see section 9.5a.10)</li> <li>(p) Single Detached Housing: 2.0 spaces per dwelling unit;</li> <li>(q) Semi-Detached Housing 2.0 spaces per dwelling unit;</li> <li>(r) All Bareland Strata lot developments: 3.0 space per dwelling unit;</li> <li>1.0 space per dwelling unit;</li> <li>(f) Space per dwelling unit;</li> <li>(f) Space per dwelling unit;</li> <li>(g) Spaces per dwelling unit;</li> <li>(h) space per dwelling unit;</li> <li>(f) Spaces per dwelling unit;</li> <li>(g) spaces per dwelling unit;</li> <li>(h) space per dwelling unit;</li> <li>(h) supportive Housing</li> <li>(h) supportive Housing</li> </ul>
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32	8 - Parking and Loading Table 8.1 Parking Schedule Commercial	Gas Bars 1 per 2 employees on duty, plus 2 per service bay, plus additional required spaces for other associated <b>uses</b> (e.g. convenience retail)	Gas Bars 1.0 space per two on site employees, plus 2.0 per service bay	No need to indicate that other uses on site require parking spaces as this is already clarified in Section 8.
34	8 - Parking and Loading 8.1.9 Off Street Vehicle Parking	(e) no required parking shall be in the form of a parallel parking stall adjacent to a lane or alley way unless the parallel parking site is accessed by a driveway and is screened from the lane way.	(e) no required parking shall be provided parallel to and flanking a <b>lane</b> unless the <b>parking area</b> is accessible by a driveway and is screened from the <b>lane</b> by a physical barrier	Removed "alley way" as it is not defined in the Zoning Bylaw and has the same meaning as "lane."
35	8- Parking and Loading 8.2.11	Table (b) Multi-Family Town house/Row House 50% Minimum 50% Maximum 0% Multi-family Residential 50% 40% 10%	Table (a) Ground oriented multiple housing 50% Minimum, 50% Maximum, 0% Apartment Housing (including any units which may be ground oriented) 50% 40% 10%	Aligned with the intent of the use and the definitions in section 2.3
36	8 - Parking and Loading Table 8.2 - Loading Schedule	Food Primary Establishment 1 per 2,800 m <sup>2</sup> GFA Hotels Motels 1 per 2,800 m <sup>2</sup> GFA Liquor Primary Establishment, Minor and Major 1 per 2,800 m <sup>2</sup> GFA	Food Primary Establishment 1 per 2800 m <sup>2</sup> GFA Hotels Motels 1 per 2800 m <sup>2</sup> GFA Liquor Primary Establishment, Minor and Major 1 per 2800 m <sup>2</sup> GFA	Removed "," from 2800 for consistency.

37	8- Bicycle Parking Schedule Table 8.3	Type of Development (Use) Apartment Housing Row Housing (3 or more dwelling units)	Type of Development (Use) Apartment Housing Required Parking Spaces Class I: 0.5 per dwelling unit	Removed "Row Housing" from the bicycle parking requirement as row houses (town homes) do not typically have internal common space and do typically have areas
		Required Parking Spaces Class I: 0.5 per dwelling unit Class II: 0.1 per dwelling unit	Class II: 0.1 per dwelling unit	for storage and garages as part of their individual units.
SE	CTION 9			
38	9 - Specific Use Regulations 9.2 Home Based Businesses, Minor	<ul> <li>9.2.1 All minor home based businesses shall be secondary uses and shall comply with the following: <ul> <li>(a) a minor home based business shall only be conducted within a principal dwelling unit or secondary suite and no exterior storage or operation of the minor home based business shall be permitted</li> </ul></li></ul>	9.2.1 All minor home based businesses shall be secondary uses and shall comply with the following: (a) a minor home based business shall only be conducted within a principal dwelling unit and no exterior storage or exterior operation of the minor home based business shall be permitted	Amended text which allowed a minor home based business to be located within a secondary suite as this contradicted other rules (9.2.2) which said that minor home based business could not be conducted by anyone else other than the residents of the primary dwelling.
39	9 - Specific Use Regulations 9.3.8 Home Based Business, Major	9.2.7 A food catering <b>business</b> operating lawfully within a <b>dwelling</b> may establish one additional kitchen provided that its installation is required by the Health Authority and that the kitchen shall be removed should that <b>home based business, major</b> use cease. The additional kitchen is not permitted to be utilized to establish an additional <b>dwelling</b> .	9.2.7A food catering <b>business</b> shall contain one additional <b>kitchen</b> , provided it is required by the <b>Health</b> <b>Services</b> , which shall be removed should that <b>home based business</b> , <b>major</b> use cease. The additional <b>kitchen</b> is not permitted to be utilized to service an additional <b>dwelling</b> unit.	Removed the word "lawfully inside" as this should be implicit as otherwise it is not permitted.

40	<ul><li>9 - Specific Use Regulations</li><li>9.5a Secondary Suite Regulations</li></ul>	9.5a.6 In all urban and rural residential zones, a secondary suite is not permitted in conjunction with a boarding and lodging house, a bed and breakfast accommodation or a group home.	9.5a.6a A secondary suite shall not be permitted on a parcel which also has a bed and breakfast, a boarding or lodging house or a group home, major/minor.	Clarified rules to limit confusion regarding the use of secondary suites for purposes other than as dwelling units.
44	9 - Specific Use Regulations 9.5a Secondary Suite Regulations	9.5a.8 Where a secondary suite is permitted, a minimum area of 30m <sub>2</sub> of private open space shall be provided per dwelling unit. The private open space shall have a direct connection to the habitable space and be defined and screened through the use of landscaping such as: plantings, architectural elements such as a trellis, low fences or planters and changes in grade or elevation.	<ul> <li>9.5a.8 Where a secondary suite is permitted, a minimum area of 30 m<sup>2</sup> of private open space shall be provided per dwelling unit</li> <li>The private open space shall: <ul> <li>i. Have a direct connection to a secondary suite entrance; and</li> <li>ii. Be defined from other private open space and yard with the use of landscaping</li> </ul> </li> </ul>	Re-wrote in table format. Removed list of acceptable landscaping material as these are already listed in the definition of landscaping.
42	9 - Specific Use Regulations 9.5a Secondary Suite Regulations	Table 8.1 Secondary Suites - 1 of the required <b>parking spaces</b> for a principal dwelling shall be designated to the <b>secondary</b> <b>suite</b> . The space may not be located within an attached garage providing direct access to the principal dwelling or in a tandem configuration.	<ul> <li>9.5a.10 1.0 additional parking space for a secondary suite is required which shall:</li> <li>i. be designated as being solely for the use of the secondary suite;</li> <li>ii. not be located within a private garage which is attached to and provides direct access to the principal dwelling;</li> </ul>	Rule was previously in parking and loading table, removed and put rule under specific use regulations to reduce amount of text found in Table 8.1

9.5b Carriage House Regulations		has a <b>bed and breakfast home</b> , <b>a</b> <b>boarding or lodging house</b> and/or a <b>group home, major/minor</b> .	of carriage houses for purposes other than as dwelling units.
44 9 - Specific Use Regulations 9.6 Bed and Breakfast Homes	<ul> <li>9.6.1Bed and breakfast homes shall comply with the following regulations:</li> <li>(a) The bed and breakfast home shall be operated as a secondary use only within a principal dwelling, with a maximum 4 sleeping units with accommodation for a maximum of two guests per sleeping unit, of a minimum area of 11 m<sup>2</sup> each; and</li> <li>(b)Bed and breakfast homes shall not change the principal dwelling character or external appearance of the dwelling involved.</li> <li>(c) The licensed operator or a bed and breakfast home shall reside in the dwelling in which the bed and breakfast operation is located.</li> </ul>	<ul> <li>9.6.1 Bed and breakfast homes shall comply with the following regulations:</li> <li>(a) The bed and breakfast home shall be operated as a secondary use only within a principal dwelling.</li> <li>(b) A bed and breakfast home shall have a maximum of 4 sleeping units with accommodation for a maximum of two guests per sleeping unit. Each sleeping unit shall only have a minimum area of 11 m<sup>2</sup> each.</li> <li>(c) Bed and breakfast homes shall not change the principal dwelling character or external appearance of the dwelling involved.</li> <li>(d) The licensed operator of a bed and breakfast home shall reside in the dwelling in which the bed and breakfast operation is located.</li> <li>(e) A bed and breakfast home</li> </ul>	Clarified that bed and breakfast homes are not allowed in dwellings which also have a secondary suite or a carriage house on the parcel.

45	9 - Specific Use	(b) greenhouses or accessory	shall not operate on the same <b>parcel</b> where a <b>carriage house</b> or <b>secondary</b> <b>suite</b> is located. (g) <b>greenhouses, accessory</b>	Replaced "lot coverage" with		
45	9 - Specific Use Regulations 9.10.1 Agriculture, Urban	structures associated with urban agriculture shall conform to the applicable zoning requirements for accessory buildings or structures and the relevant zone. A greenhouse is not included in the calculation of lot coverage for accessory buildings or structures;	(g) greenhouses, accessory buildings or structures associated with urban agriculture shall conform to the applicable zoning requirements for accessory buildings or structures and the relevant zone. A greenhouse is not included in the calculation of site coverage for accessory buildings or structures	"site coverage" as the definition of lot coverage has been removed from the Zoning Bylaw.		
46	9 - Specific Use Regulations 9.10.2 Agriculture, Urban	(b) greenhouses are not included in the calculation of lot coverage for accessory buildings or structures;	(b) greenhouses are not included in the calculation of site coverage for accessory buildings or structures;			
SEC	SECTION 13 through 19					
47	13 -Urban Residential Zones 13.1.7 Other Regulations	(d) Where the <b>development</b> has access to a rear <b>lane</b> , vehicular access to the <b>development</b> is only permitted from the rear <b>lane</b> , except for developments in <b>hillside areas</b> where the topography would require the slope of such access to exceed 15%.	(d) where a <b>development</b> has access to a <b>lane</b> , vehicular access to the <b>development</b> is only permitted from the <b>lane</b> , except for <b>developments</b> in <b>hillside areas</b> where the topography would require the slope of such access to exceed 15%.	Replaced all instances of "rear lanes" with "lanes" so as not limit access options when a lane is provided regardless of where it is on the lot.		

40	12 Urban	(c) In DU2 and DU2 a range the	(c) in DU2 and DU2 - area that	Added rules for DUDA under
48	13 - Urban Residential Zones 13.2.6 Development Regulations	(c) In RU2 and RU2c zones, the minimum front yard is 4.5 metres except that it is 6.0 metres from a garage or carport having vehicular entry from the front. In RU2h and RU2hc zones, the minimum front yard is 3.0 metres, except it is 6.0 metres measured from the back of the curb or sidewalk, whichever is closest, to a garage or carport having vehicular entry at the front. In a hillside area, where access is required through, and is limited to, a lane, the yard abutting the lane may be considered the front yard. Walkout basements are not exempt from the height regulations of Section 6.6 in this situation.	<ul> <li>(c) in RU2 and RU2c zones, the minimum front yard shall be:</li> <li>i. 4.5 m, or</li> <li>ii. 3.0m in the RU2h and RU2hc zones; or</li> <li>iii. 6.0 m from a garage or carport having vehicular access from a street; or</li> <li>iv. 6.0 m measured from the back of the curb or sidewalk, whichever is closest, to a garage or carport having vehicular access from a street</li> </ul>	Added rules for RU2h under sub section (c) which lists development guidelines for certain zones for ease of recall.
49	13 - Urban Residential Zones 13.2.6 Development Regulations	(e) The minimum rear yard is 6.0 m for a 1 or 1½ storey portion of a building and 7.5 m for a 2 or 2½ 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.	<ul> <li>(e) the minimum rear yard shall be:</li> <li>i. 6.0 m for a 1 or 1½ storey portion of a building; or</li> <li>ii. 7.5 m for a 2 or 2½ storey portion of a building; and</li> <li>iii. 1.5 m for accessory buildings.</li> <li>iv. 4.5 m where the lot width exceeds the lot depth provided that one side yard shall have a minimum width of 4.5 m.</li> <li>v. in a hillside area where access is required through, and is limited to a lane, the minimum rear yard setback is 3.0 m.</li> </ul>	Removed regulations pertaining to RU2h in subsection (c) and placed them under the development regulation rules which listed rules pertaining specifically to certain zones.

50	13 - Urban Residential Zones 13.2.7 Other Regulations	(b) Where the <b>development</b> has access to a rear lane, vehicular access to the <b>development</b> is only permitted from the rear <b>lane</b> , except for developments in hillside areas where the topography would require the slope of such access to exceed 15%.	(b) where a <b>development</b> has access to a <b>lane</b> , vehicular access to the <b>development</b> is only permitted from the <b>lane</b> , except for <b>developments</b> in <b>hillside areas</b> where the topography would require the slope of such access to exceed 15%	Replaced all instances of "rear lanes" with "lanes" so as not limit access options when a lane is provided regardless of where it is on the lot.
51	13 - Urban Residential Zones 13.3.7 Other Regulations	(b) Where the <b>development</b> has access to a rear lane, vehicular access to the <b>development</b> is only permitted from the rear lane, except for <b>developments</b> in hillside areas where the topography would require the slope of such access to exceed 15%.	(b) where the <b>development</b> has access to a <b>lane</b> , vehicular access to the <b>development</b> is only permitted from the <b>lane</b> , except for <b>developments</b> in <b>hillside areas</b> where the topography would require the slope of such access to exceed 15%	Replaced all instances of "rear lanes" with "lanes" so as not limit access options when a lane is provided regardless of where it is on the lot.
53	13 - Urban Residential Zones 13.5.6 Development Regulates	(b) Bareland <b>strata lot coverage</b> by principal and accessory <b>buildings</b> shall not exceed 50%.	(b) bareland strata lot site coverage by principal and accessory buildings or structures shall not exceed 50%.	Replaced "lot coverage" with "site coverage" as the definition of site coverage has been removed with these amendments.
54	13 - Urban Residential Zones 13.6.7 Other Regulations	(f) Where the <b>development</b> has access to a rear lane, vehicular access to the <b>development</b> is only permitted from the rear <b>lane</b> , except for developments in hillside areas where the topography would require the slope of such access to exceed 15%.	(f) where the development has access to a lane, vehicular access to the development is only permitted from the lane, except for developments in hillside areas where the topography would require the slope of such access to exceed 15%	Replaced all instances of "rear lanes" with "lanes" so as not limit access options when a lane is provided regardless of where it is on the lot.

55	13 -Urban Residential 13.8 RM2 - Low Density Row Housing	<ul><li>13.8.2 Principal Uses</li><li>The principal uses in this zone are:</li><li>(a) single dwelling housing</li><li>(b) two dwelling housing</li><li>(c) multiple dwelling housing</li></ul>	<ul> <li>13.8.2 Principal Uses</li> <li>The principal uses in this zone are:</li> <li>(d) three dwelling housing</li> <li>(e) four dwelling housing</li> </ul>	Added that three and four dwelling housing types are also allowed in this zone.
58	13 - Urban Residential zones 13.8 RM2 and RM2h Low Density Row Housing and Low Density Row Hillside Housing	<ul> <li>13.8.4</li> <li>Buildings and Structures Permitted</li> <li>(a) duplex housing</li> <li>(b) row housing</li> <li>(c) semi-detached housing</li> <li>(d) single detached housing</li> <li>(e) permitted accessory buildings and structures</li> </ul>	<ul> <li>13.8.4</li> <li>Buildings and Structures Permitted <ul> <li>(a) duplex housing</li> <li>(b) row housing</li> <li>(c) semi-detached housing</li> <li>(d) deleted</li> <li>(e) permitted accessory buildings and structures</li> </ul> </li> </ul>	Deleted single detached homes as permitted buildings within this zone. Single family housing is permitted is the form of attached housing
59	13 - Urban Residential 13.14 RH1 - Residential Hillside Large Lot RH1s - Residential Hillside Large Lot with Secondary Suite	RH1 - Hillside Large Lot Residential RH1s - Hillside Large Lot Residential with Secondary Suite	RH1 - Hillside Large Lot Residential	Removed the sub zone "RH1s Hillside Large Lot Residential with Secondary Suite." Secondary suites do not require a rezoning to a sub zone to be developed so the sub zone is irrelevant.
60	13 - Urban Residential 13.14.4 Secondary Uses	(f) <b>secondary suite</b> (RH1s only)	(f) secondary suite	Removed the sub zone in RH1 as this zone no longer requires rezoning to a sub zone to accommodate a secondary suite.
61	13 - Urban Residential 13.14.5 Buildings and Structures Permitted	(a) one <b>single detached house</b> (which may contain a <b>secondary</b> <b>suite</b> in the RH1s zone)	(a) one <b>single detached house</b> (which may contain a <b>secondary</b> <b>suite</b> )	Removed the mention of RH1 with a sub zone in this instance, as this zone no longer requires a sub zone to accommodate a secondary suite.

62	14 - Commercial Zones		Add " <b>Residential security/operator</b> <b>unit</b> " to all commercial zones which list "apartment dwelling" as a secondary use.	Allows for this use type where it is already deemed appropriate as apartment dwellings are allowed.
63	14 - Commercial Zones 14.1.5 Development Regulations	(a) The maximum <b>lot coverage</b> is 35%.	(a) the maximum <b>site coverage</b> is 35%.	The Replaced "lot coverage" with "site coverage" as the definition of site coverage has been removed with these amendments.
64	16 - Public & Institutional Zones	Section 16 Public & Institutional Zones	Section 16 Public and Institutional Zones	Removed ampersand from heading as it was inconsistent with other zoning titles.
65	CD3 - Comprehensive Development 3 1.4 Development Regulations	(c) The maximum lot coverage for all principal and accessory buildings combined in this zone shall be 40%. Not more than 60% of the surface of the land in the zone shall be covered with buildings, parking areas and driveways.	(c) The maximum <b>site coverage</b> is 40% and together with driveways and parking areas, shall not exceed 60%.	Replaced "lot coverage" with "site coverage" and tailored rule more like those found within the RU zones.
66	CD4 - Comprehensive Small Lot Residential 1.5 Development Regulations	(b) The maximum lot coverage by principal buildings and accessory buildings is 55% for each bareland strata lot.	(b) the maximum combined site coverage for principal buildings and all accessory buildings or structures is 55% for each bareland strata lot.	Replaced "lot coverage" with "site coverage" as the definition of site coverage has been removed with these amendments.

67	All Zones which list "non-accessory parking" under the primary uses	None	Temporary parking lot	Created new definition for Temporary Parking lot to capture instances where parking needs to be provided on a temporary basis as a result of development and/or lack of parking spaces.
	All Zones	All text should be in the same font,	and definitions found within regulatio	ns should be <b>bolded</b> .

# **REPORT TO COUNCIL**



Date:	September 1	4, 2015		Kelown
RIM No.	1250-30			
То:	City Manager			
From:	Community P	Planning (DB)		
Application:	Z15-0006		Owners:	1. Watermark Development Ltd. Inc. No. BC0642787
				2. City of Kelowna
Address:	(S OF Acader	ny Way)	Applicant:	Beaumont Realty Corporation
Subject:	Report Z15-0	006		
Existing OCP D	Designation:	Single / Two I Space	Unit Residentia	l - Hillside, Major Park & Open
Proposed OCP	Designation:	Single / Two I	Unit Residentia	l, Major Park & Open Space
Existing Zones	:	A1- Agricultur P3- Parks and		dium Density Multiple Housing,
Proposed Zone	es:	RU1H - Large Spaces, P4 - L	-	llside, P3- Parks and Open

### 1.0 Recommendation

THAT Rezoning Application No. Z15-0006 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

1. Part(s) of Lot C Section 3 Township 23 Osoyoos Division Yale District Plan EPP33993, "see plan as to limited access", located (S of) Academy Way from A1 - Agriculture 1 to RU1h - Large Lot Housing (Hillside Area), from A1 - Agricultural 1 to P3 - Parks and Open Space, from A1 - Agricultural 1 to P4 - Utilities, from RM5 - Medium Density Multiple Housing to RU1h - Large Lot Housing (Hillside Area), and from P3 - Parks and Open Space to RU1h - Large Lot Housing (Hillside Area).

2. Part(s) of Lot 1 Sections 3 and 10 Township 23 Osoyoos Division Yale District Plan EPP45918, located at 800 Academy Way from P3 - Parks and Open Space to RM5 - Medium Density Multiple Housing and from A1 - Agricultural 1 to RM5 - Medium Density Multiple Housing.

3. Part(s) of Lot A Section 3 Township 23 Osoyoos Division Yale District Plan EPP33993 "see plan as to limited access", located (S OF) Academy Way from RM5 - Medium Density Multiple Housing to P3 - Parks and Open Space and from A1 - Agricultural 1 to P3 - Parks and Open Space.

As shown on Map "A" attached to the Report from the Community Planning Department dated September 14, 2015.

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "B" attached to the Report from the Community Planning Department dated September 14, 2015;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the issuance of a Preliminary Layout Review by the City of Kelowna's Subdivision Approving Officer.

### 2.0 Purpose

To rezone portions of the subject properties in order to accommodate the development of a single family subdivision.

### 3.0 Community Planning Comments

The applicant is proposing to rezone parts of the subject properties to facilitate the development of a single family subdivision. More specifically the applicant is proposing to rezone the bulk of the subject property from the existing A1 - Agricultural 1 zone to the RU1h zone which is consistent with the Official Community Plan Generalized Future Land Use Designation Map 4.1.

It is important to clarify that while the zoning application involves three properties, Lot C, Plan EPP33993 is the primary focus of this application. The two other properties are only involved as part of a minor zoning amendment which will be discussed later in this report. Community Planning staff support the proposal, as it is generally in accordance with the University South Development Plan (2010) which was a refinement of the original high level Area Structure Plan completed in 1997.

Additionally, the applicant is proposing to rezone a 1600  $m^2$  portion of the subject property located at the centre of the proposed subdivision which will be used as a neighborhood park. The proposed park will be very similar to the existing Hidden Lake Neighborhood Park located in the Wilden neighborhood. The proposed size, location and concept of the park were reviewed and approved in principle by the City's Parks Department.

The developer has agreed to rezone a 20 m wide section of land located at the north end of the property to serve as a maintenance access for the large natural open space located directly west of the subject property. This section of land will be dedicated and consolidated to the open park space as part of the future subdivision application. A roof height restriction will also be imposed for the four proposed residential lots directly west of the proposed park maintenance access to ensure the view corridors from the hilltop area are preserved.

The developer will construct a detention facility for storm water at the east end of the subject property which will eventually be dedicated to the City. The detailed design of this facility will be completed at subdivision stage, but the proposed area requires rezoning from the existing A1 - Agricultural 1 zone to the proposed P4 - Utility zone to reflect the proposed land use.

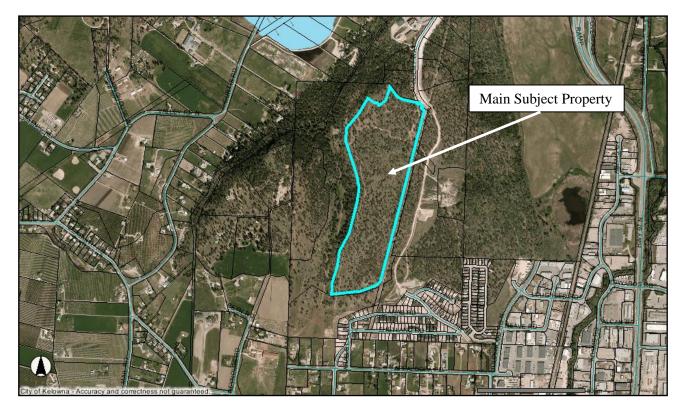
In addition to all abovementioned changes related to the proposed development, there is a need to amend some zoning discrepancies involving the two properties to the north of the subject property. This zoning amendment is an administrative exercise to align the zoning with the property lines and the Generalized Future Land Use Map 4.1 and will have no impact on the proposed and existing land use.

### 4.0 Proposal

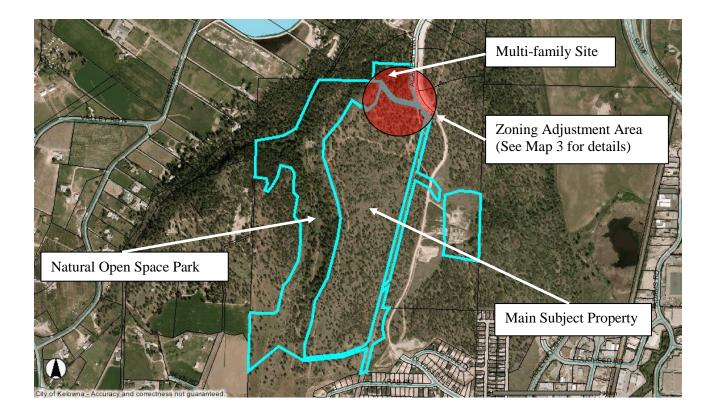
### 4.1 Project Description

As mentioned above, the applicant is proposing to rezone the main subject property to RU1h to facilitate the placement of a single family residential subdivision. The two other properties are simply involved as part of a minor zoning adjustment as illustrated on Maps 2 and 3.

### Map 1 - Main Subject Property

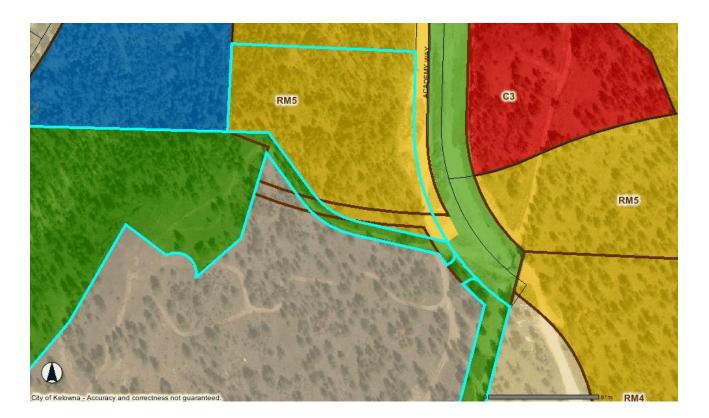


### Map 2 - Subject Properties



### Map 3 - Zoning Cleanup Area (Area identified in red circle on map 2)

As discussed above, the zoning (brown lines) do not match the existing property lines shown in blue. Part of this zoning file is to properly align zoning boundaries with the existing property lines and the Generalized Future Land Use Map.



### 4.2 Site Context

The subject property is located at the Northeast of town in the UBCO development area. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM5 - Medium Density Multiple Housing	Multiple Unit Residential
NOLLI		(Medium Density)
East	RM3 - Low Density Multiple Housing	Multiple Unit Residential (Low
Lasi		Density)
South	A1- Agricultural 1	Single Family Housing Hillside
West	P3 - Parks and Open Space	Major Park and Open Space

### 3.0 Current Development Policies

3.1 Kelowna Official Community Plan (OCP)

### Future Land Use

**Single/Two Unit Residential (S2RES)**<sup>1</sup>**:** Single detached homes for occupancy by one family, single detached homes with a secondary suite or carriage house, semi-detached buildings used for two dwelling units, modular homes, bareland strata, and those complementary uses (i.e. minor care centres, minor public services/utilities, convenience facility and neighbourhood parks), which are integral components of urban neighbourhoods. Suitability of non-residential developments within the neighbourhood environment will be determined on a site-specific basis. Nonresidential developments causing increases in traffic, parking demands or noise in excess of what would typically be experienced in a low density neighbourhood would not be considered suitable.

### **Development Process**

**Compact Urban Form.**<sup>2</sup> 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.**<sup>3</sup> 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.

Housing Mix.<sup>4</sup> Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

### 5.0 Technical Comments

### **Development Engineering Department**

The Works and Services required fro this application are attached to this letter as "Memorandum, dated: March 16, 2015.

Development Engineering Branch will review and issue for construction drawings and provide servicing requirements once a Preliminary Layout Review application is submitted.

### Infrastructure Planning - Parks & Public Spaces

- At least 20 m of road frontage will be required for the hilltop area park between proposed lots 193 and 194.
- Infrastructure Planning is generally accepting the size and location of the proposed neighborhood park at the intersection of proposed roads A and C; however, the City has concerns about the proposed 5:1 slope, and recommends increasing the

<sup>&</sup>lt;sup>1</sup> City of Kelowna Official Community Plan - Future Land Use Chapter.

<sup>&</sup>lt;sup>2</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>&</sup>lt;sup>3</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

<sup>&</sup>lt;sup>4</sup> City of Kelowna Official Community Plan, Policy 5.22.11 (Development Process Chapter).

slope to a maximum of 3:1, or that consideration be given to installation of a retaining wall, in order to maximize flat area for active recreation.

- A fencing plan is required to show where fencing will be installed to delineate the public / private interface. A 1.2 m high black chain link fence to City standard will be located 15 cm inside the private property lines between all natural areas and active (neighbourhood) parkland and between private property and the gas ROW.
- Height restriction will be required for lots 190 through 196 to ensure that view corridors from the hilltop natural area park to the lake and remainder of the City are preserved for the public.

### **Application Chronology**

Date of Application Received:	January 22, 2015
Public Information Session:	July 24, 2015
Public Notification Received:	July 22, 2015
Complete Information Received:	August 14, 2015

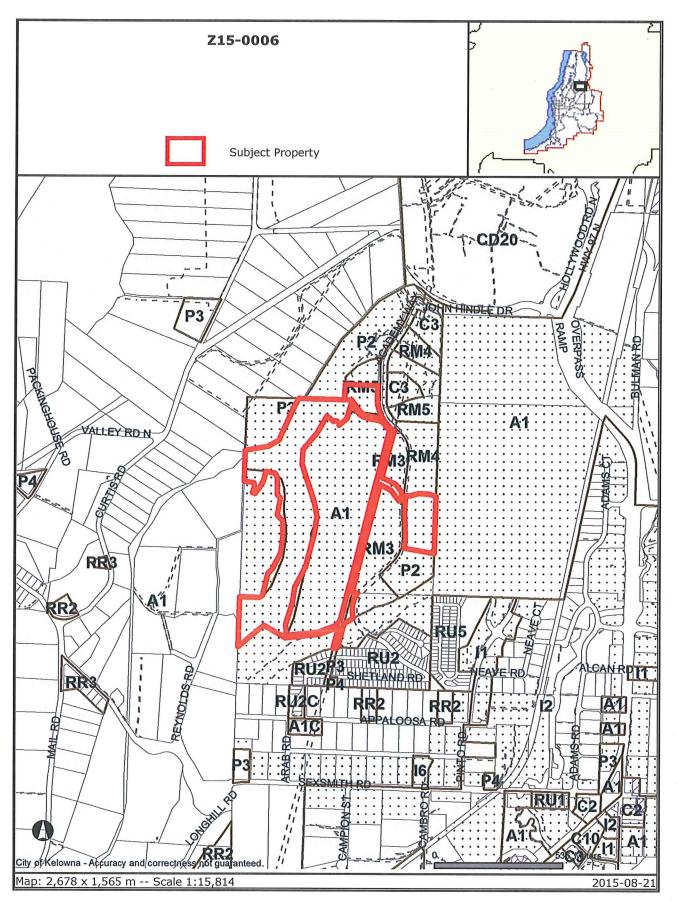
### Report prepared by:

Damien Burggraeve, Planner

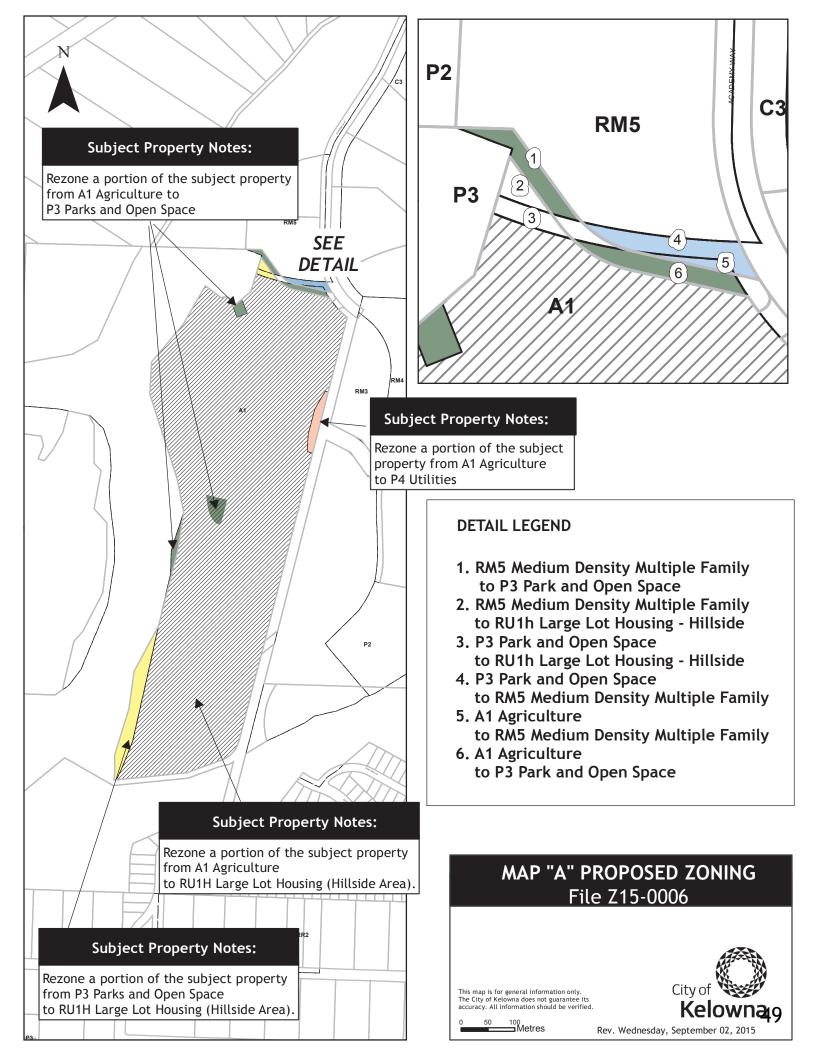
Approved for Inclusion: Todd Cashin, Community Planning

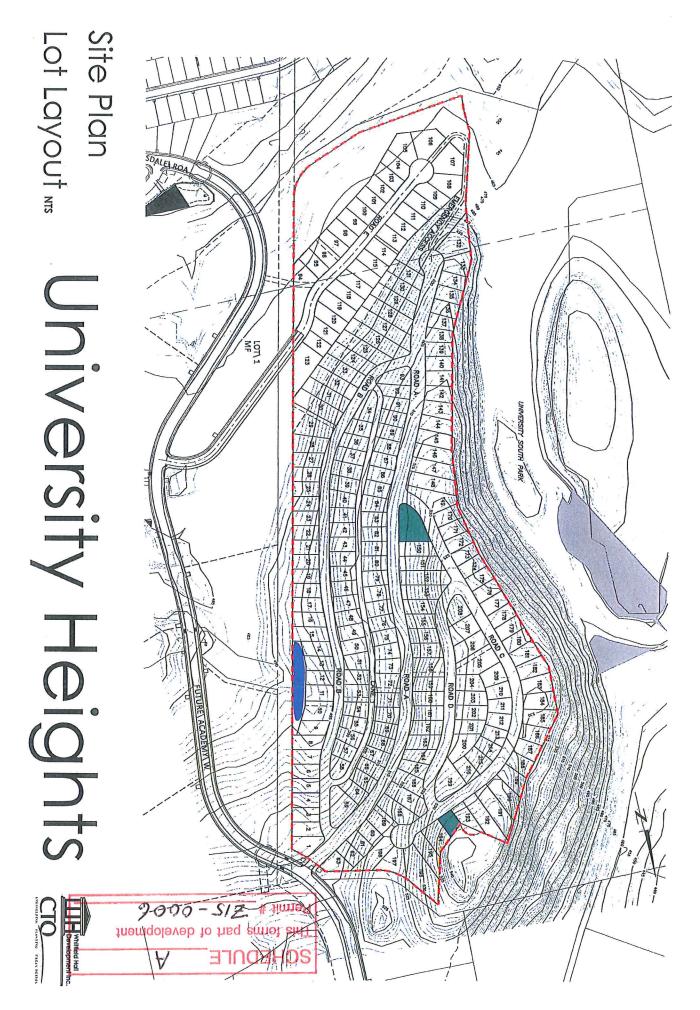
### Attachments:

Subject Property Map Map A - Proposed Zoning Schedule A - Subdivision Layout Schedule B - Development Engineering Requirements Schedule C - Glenmore-Ellison Improvement District Requirements Schedule D - Public Consultation Map Output



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.





### CITY OF KELOWNA

## MEMORANDUM

Date:March 16, 2015File No.:Z15-0006To:Planning & Development Services (DB)From:Development Engineering Manager (SM)Subject:South of Academy Way – Lot C, Plan EPP33993, sec. 3, Twp.23, ODYD

# These are The Development Engineering Branch comments and they may be subject to the MOT comments and requirements.

The Development Services Branch comments and requirements regarding this application to rezone the subject property from A1 to RU1 are as follows:

- 1. <u>General.</u>
  - a) Provide easements and Right of Ways as may be required.
  - b) The property cannot be further developed until the extension of Academy Way/Clydesdale Road to Hollywood Road connection has been completed. It is recommended that a covenant to that effect be registered on the subject property until such connection is completed and that all the services have been brought to the property line.
- 2. <u>Geotechnical Study.</u>

A comprehensive Geotechnical Study is required, which is to be prepared by a Professional Engineer competent in the field of geotechnical engineering, the study is to address the following:

- Overall site suitability for the proposed development.
- Slope analysis (i.e. 0-10 %, 10-20 %, 20-30% and over 30 %).
- Presence of ground water and/or springs.
- Presence of fill areas.
- Presence of swelling clays.
- Presence of sulfates.
- Potential site erosion.
- Provide specific requirements for footings and foundation construction.

- Provide specific construction design sections for roads and utilities over and above the City's current construction standards

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### 3. Domestic water and fire protection.

- a) This development is located within the service area of the Glenmore-Ellison Improvement District (GEID). The developer is required to make satisfactory arrangements with the GEID to obtain a connection. All charges for service connection and upgrading costs are to be paid directly to the GEID.
- b) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands for the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this subdivision to confirm this. Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits. Note: Private pumps are not acceptable for addressing marginal pressure.

### 4. Sanitary Sewer.

a) The subject property is not currently serviced by the Municipal Wastewater Collection System. The developer is in the process of constructing the wastewater main as a condition of a previous rezoning application under file Z13-0030. The drawings for the wastewater extension have been approved by the City

### 5. Drainage.

a) The developer has provided an overall Storm Water Management Plan for the entire parent parcel of land and the storm drainage infrastructure is being constructed as condition of previous applications on the parent parcel. The overall Storm Water Management Plan sets the maximum storm release rate for the subject property and the development of the property will require a Storm Water Management Plan that will respect the maximum release rates.

### 6. Power and Telecommunication Services.

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

7. <u>Street lights.</u>

Street lights must be installed on all fronting roads as per bylaw requirements. Design drawings to include level of illumination plan.

### 8. Road improvements.

- a) The offsite road construction within the parent parcel of land is being constructed based upon drawings approved by the City under file Z13-0030.
- b) The connection from Academy Way to the South, through Clydesdale Road to Hollywood Road is a requirement that has been identified from the onset of the UBCO South lands development. The connection to Hollywood Road must be completed prior to fourth reading of the zone amending Bylaw; alternately a Covenant, under Section 219, must be registered on the subject property until the connection has been completed.

### 9. Design and Construction

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

### 10. Servicing Agreements for Works and Services

a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings or reports and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.

.../4

Z15-0006

b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

### 11. Other Engineering Comments

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

### 12. Bonding and Levies Summary.

a) Performance Bonding

All the offsite performance securities have been provided under previous development files

Steve Muenz, P. Eng. Development Engineering Manager

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Phone: 250-763-6506 February 25, 2015 **Glenmore-Ellison Improvement District** 

445 Glenmore Road Kelowna, BC V1V 1Z6

Email: glenmore.ellison@shaw.ca Website: www.glenmoreellison.com

Fax: 250-763-5688

City of Kelowna Community Planning & Real Estate Land Use Management Dept. 1435 Water St. Kelowna, BC V1Y 1J4

SCHED	ULE	C	
This forms			t
Permit #	215-	- 0006	

Attention: Damien Burggraeve (via email: <u>dchampion@kelowna.ca</u>)

Re: Lot C, Plan EPP33993 – S of Academy Way File: Rezoning Application Z15-0006 DVP14-0049

Glenmore-Ellison Improvement District (GEID) has received a referral under application Z15-0006 for the rezoning of Lot C, Plan EPP33993 from A1 to RU1H. The property is assessed by GEID with 54.610 acres of "D" grade (dry land).

GEID, Watermark Developments and CTQ Consultants have been in discussions concerning the continuing build-out of this area known as University Village. Both parties are aware that the subject development will exceed GEID's capability of supplying water without further construction to GEID's water system. This construction will include <u>pump station</u>, transmission mains and expansion to the UBCO reservoir, with all costs the responsibility of the developer.

GEID normally expects to issue a water letter at subdivision of a property indicating that all conditions for the development have been met. When GEID receives a referral for the subdivision, GEID will review the file to ensure that the developer has committed to all construction works including those mentioned above.

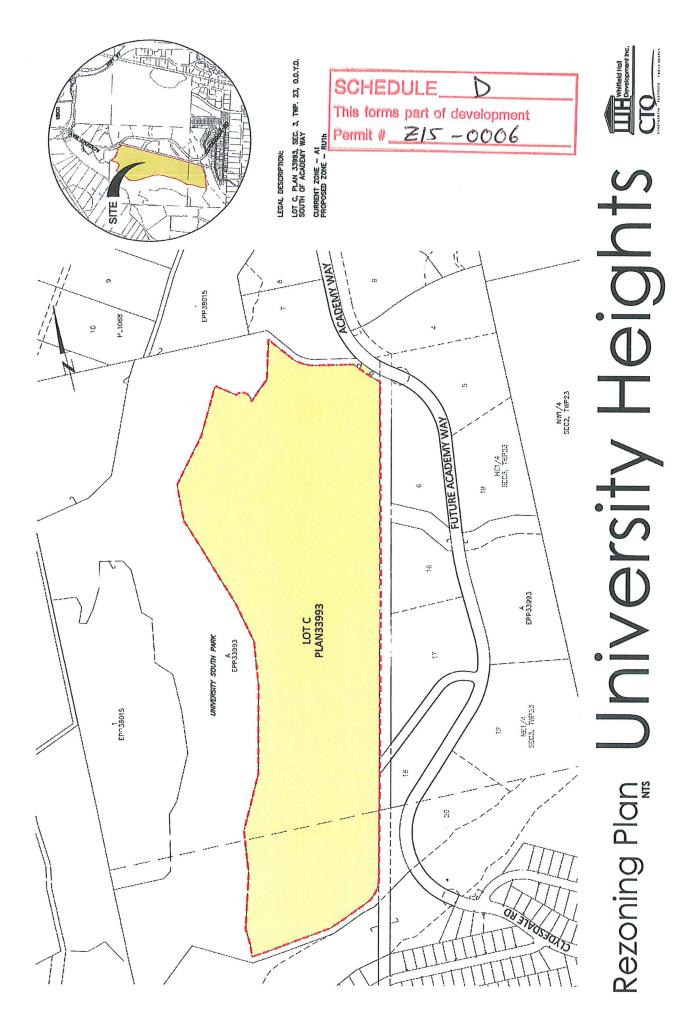
GEID has no further comments with regard to this rezoning application. If you have any questions on this matter, please do not hesitate to contact me at (250) 763-6506.

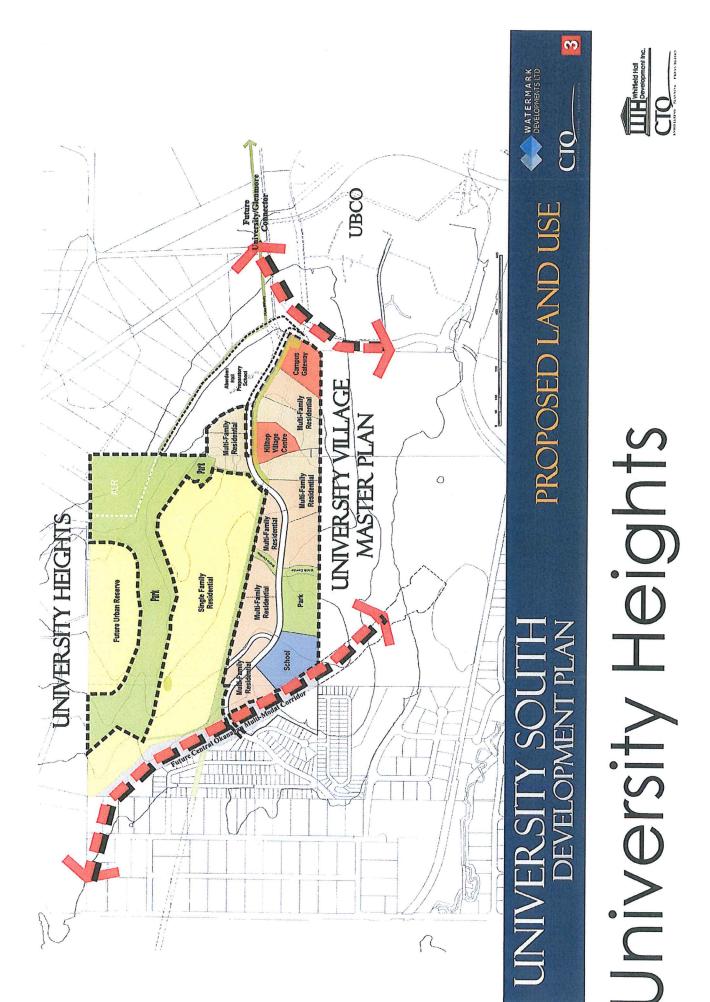
Sincerely, GLENMORE-ELLISON IMPROVEMENT DISTRICT

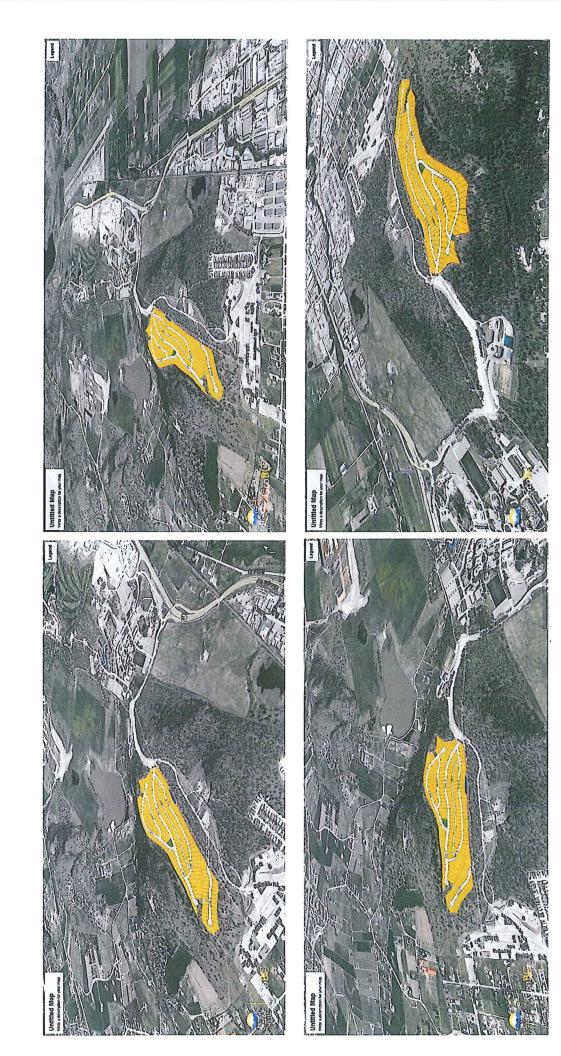
Darwyn Kutney, R.E.T., CRM General Manager cc: Robert Bennett, Beaumont

Robert Bennett, Beaumont Realty Corp. (via email: <u>bb3@shavy.ca</u>) John Hertay, Watermark Development (via email: <u>iohnhertay@highlinerealty.com</u>) Matt Cameron, CTQ Consultants Ltd. (via email: mcameron@ctqconsultants.ca) Antonio Faccini, GEID Consulting Engineer (via email: antonio\_faccini@afcltd.ca) Mike Rojem, GEID Projects Coordinator

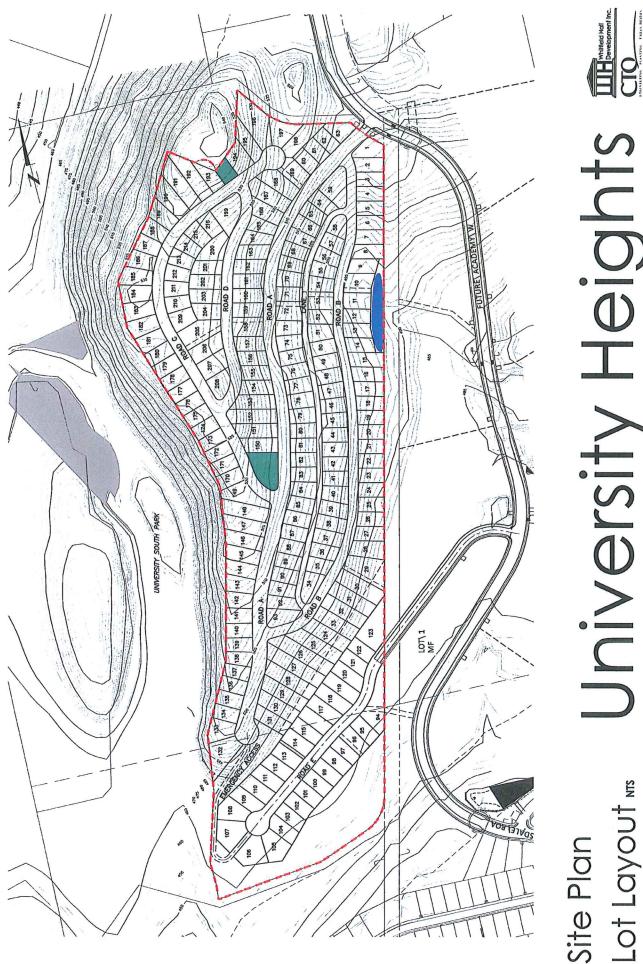
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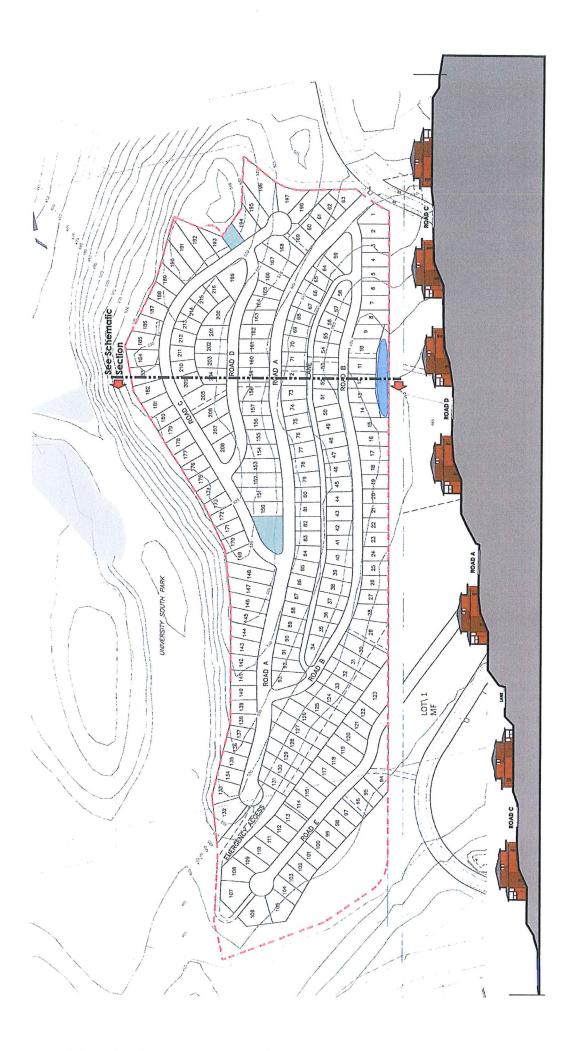










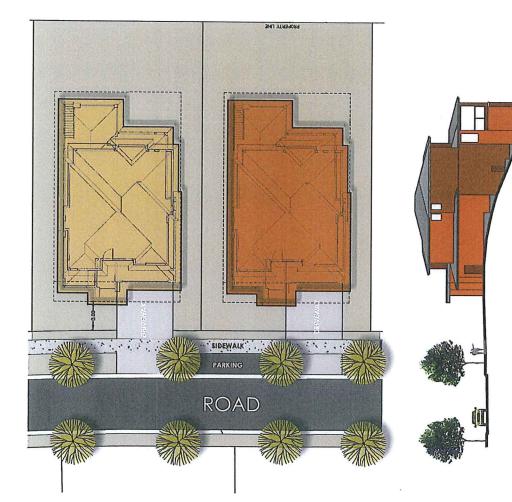




# University Heights

Schematic Section ms





# Residential Character Images University Heights



