

# **CITY OF KELOWNA**

## **BYLAW NO. 10020**

### **Comprehensive Downtown Development Bylaw CD21 Zoning Amendment Bylaw No. 10020, 2008**

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#### **WHEREAS:**

- A. The Official Community Plan provides for an integrated and comprehensive set of development guidelines for a portion of Downtown known as CD21 Downtown Development Permit Area;
- B. Council wishes to promote and facilitate the development of the CD21 Downtown Area, and to provide for a land-use regulatory regime that encourages integrated site development, design and provision of public amenity.

#### **THEREFORE Council in public meeting assembled enacts as follows:**

- 1. This Bylaw may be cited on long form as "CD21 Comprehensive Downtown Development Zoning Bylaw No. 10020, 2008", and in short form as "CD21 Downtown Bylaw".
- 2. City of Kelowna Zoning Bylaw No. 8000 is amended as follows:
  - A. S. 1.3.1 is amended by:
    - (a) deleting the Column 1 and Column 2 headings "Section 17 - Comprehensive Development Zones" and substituting in place thereof, "Section 17 - Site Specific Comprehensive Development Zones";
    - (b) adding new Column 1 and Column 2 headings "Section 18 Area Comprehensive Development Zones" after "Section 17 Site Specific Comprehensive Development Zones CD1";
    - (c) adding in Column 1 and Column 2 under "Section 18 Area Comprehensive Development Zones", and substituting, "Section 17 Site Specific Comprehensive Zones".
  - B. Section 17 is amended by deleting the heading "Section 17 - Comprehensive Zones", and substituting, "Section 17 - Site Specific Comprehensive Zones".
  - C. Section 17, Schedule 'B' is amended by deleting the heading "Schedule 'B' - Comprehensive Development Zones" and substituting, "Schedule B - Site Specific Comprehensive Development Zones".

- D. Section 18 - "Effective Date" and Section 18 "Signature Page" are amended to become respectively "Section 19 - Effective Date" and "Section 19 - Signature Page".
- E. A new Section 18 is added as follows:  
  
"Section 18 - Area Comprehensive Zones  
  
18.1 Purpose  
  
The purpose is to provide for a zone which will allow for the creation of areas under land-use regulation to facilitate the integration and comprehensive redevelopment of larger areas considered by Council to be critical to the growth or revitalization of a community.  
  
18.2 Area Comprehensive Zones may be created by Council where consistent with the Official Community Plan."
- F. A new Section 18 Schedule "C" is added as "Section 18 - Schedule "C" Area Comprehensive Development Zones".
- G. Area Comprehensive Development Zone CD21 Downtown Zone is added as follows to Section 18 - Schedule "C":

**General Provisions – CD21 Comprehensive Development Zone ("CD21 Downtown Zone")**

- 1. The CD21 Downtown Zone is divided into the following nine Sub-Areas as delineated and identified on CD21 Downtown Plan Z-1 attached to and forming part of this Bylaw.
  - (a) CD21 Downtown Sub-Area 1
  - (b) CD21 Downtown Sub-Area 2
  - (c) CD21 Downtown Sub-Area 3
  - (d) CD21 Downtown Sub-Area 4
  - (e) CD21 Downtown Sub-Area 5
  - (f) CD21 Downtown Sub-Area 6
  - (g) CD21 Downtown Sub-Area 7
  - (h) CD21 Downtown Sub-Area 8
  - (i) CD21 Downtown Sub-Area 9
- 2. Subject to Section 3 and Section 4 of this CD21 Downtown Zone, the only uses permitted in this Zone are those principal and secondary uses permitted in the C7 - Central Business Commercial Zone ("C7 Zone"), pursuant to City of Kelowna Zoning Bylaw No. 8000, as amended from time to time, and such uses shall be permitted subject to:



- (a) Sections 14.7.4 through 14.7.6 inclusive of the C7 Zone as amended from time to time;
  - (b) all other provisions of the City of Kelowna Zoning Bylaw No. 8000 applicable to the C7 Zone as amended from time to time; and
  - (c) Development Permit Guidelines in Section 6.2 of "Kelowna 2020 – Official Community Plan".
3. The following uses may only be permitted in this CD21 Downtown Zone on parcels of less than 558m<sup>2</sup> in area.
- (a) Temporary Shelter Services; and
  - (b) Fleet Services; and
  - (c) Liquor primary establishment major.
4. Despite Section 2 of this CD21 Downtown Zone, lands within the CD21 Downtown Zone may be subdivided or consolidated to form parcels (each referred to as a Sub-Area) as follows:
- (a) Sub-Area 1 as shown and delineated on Plan Z-1, and such parcel so created, may only be used for the uses and subject to the regulations and Guidelines as set out in Zoning Schedule Z-1;
  - (b) Sub-Area 2 as shown and delineated on Plan Z-1, and such parcel so created, may only be used for the uses and subject to the regulations and Guidelines as set out in Zoning Schedule Z-2;
  - (c) Sub-Area 3 as shown and delineated on Plan Z-1, and such parcel so created, may only be used for the uses and subject to the regulations and Guidelines as set out in Zoning Schedule Z-3;
  - (d) Sub-Area 4 as shown and delineated on Plan Z-1, and such parcel so created, may only be used for the uses and subject to the regulations and Guidelines as set out in Zoning Schedule Z-4;
  - (e) Sub-Area 5 as shown and delineated on Plan Z-1, and such parcel so created, may only be used for the uses and subject to the regulations and Guidelines as set out in Zoning Schedule Z-5;
  - (f) Sub-Area 6 as shown and delineated on Plan Z-1, and such parcel so created, may only be used for the uses and subject to the regulations and Guidelines as set out in Zoning Schedule Z-6;
  - (g) Sub-Area 7 as shown and delineated on Plan Z-1, and such parcel so created, may only be used for the uses and subject to the regulations and Guidelines as set out in Zoning Schedule Z-7;

- (h) Sub-Area 8 as shown and delineated on Plan Z-1, and such parcel so created, may only be used for the uses and subject to the regulations and Guidelines as set out in Zoning Schedule Z-8;
- (i) Sub-Area 9 as shown and delineated on Plan Z-1, and such parcel so created, may only be used for the uses and subject to the regulations and Guidelines as set out in Zoning Schedule Z-9;

5. Zoning Schedules Z-1 through Z-9, inclusive annexed hereto form part of this Bylaw.

#### **Definitions**

6. Without limiting the application of S. 2.3 of City of Kelowna Zoning Bylaw No. 8000, the following terms used in Zoning Schedules Z-1 through Z-9, inclusive of this CD21 Downtown Zone are defined as:

- (a) **"active uses"** means all uses of land and buildings and structures permitted in this CD21 Downtown Zone except passive uses;
- (b) **"commercial use"** means an occupancy where the principal activity is the sale of goods and/or services to the general public, and/or the administration of any government agency or registered not-for-profit organization.
- (c) **"Green Wall"** means any portion of a wall enclosing a building floor area that allows or facilitates plants to thrive in a manner that the plants cover or otherwise become the principal focus of the wall, and define the wall's overall visual character.
- (d) **"passive uses"** means vehicular parking, loading areas and storage;
- (e) **"public place"** includes civic squares, civic plazas, parks and each of Harvey, Leon, Lawrence, Abbott, Water, Bernard and Mill Streets;
- (f) **"retail use"** means "retail stores general", "financial services", "food primary establishment", "hotels", "personal service establishment", "libraries", theatres, and "art galleries"; and
- (g) **"Street Grade"** refers to the floor of a building at or nearest to the level of each public place abutting the parcel on which the building is sited.

#### **Parking and Loading**

7. Unless otherwise specified in Table 1 of CD21 Downtown Zone, the Parking and Loading Regulations of Section 8 of City of Kelowna Zoning Bylaw No. 8000 will apply.

**TABLE 1 PARKING**

<b>Use</b>	<b>Minimum Parking Space Requirement</b>
Hotel	0.6 spaces per sleeping unit
Conference Facility in Hotel	1.0 spaces per 8 seats
Commercial	1.3 spaces per 100m <sup>2</sup> GFA
Residential	1.0 spaces per dwelling unit of less than 90m <sup>2</sup> Floor Area Net
Residential	1.75 spaces per dwelling unit of 90m <sup>2</sup> or more Floor Area Net
Restaurant	1.3 spaces per 100m <sup>2</sup> GFA
Office	1.3 spaces per 100m <sup>2</sup> GFA
Major Food Store	1.3 spaces per 100m <sup>2</sup> GFA

**Amenity Contributions**

8. In each CD21 Downtown Sub-Area in which an amenity contribution for the provision of affordable housing is provided for:
- (a) the Owner may, in lieu of a portion of the amenity payment for affordable housing, provide in fee simple fully constructed affordable housing units within the Sub-Area, to be sold to purchasers pursuant to, and meeting the requirements set out in, the CD21 Housing Agreement pursuant to this Section. Subject to subsection (b), of this Section 8, the number of such dwelling units to be provided in each Sub-Area is as follows:

<b>SUB-AREA</b>	<b>NUMBER OF AFFORDABLE HOUSING UNITS</b>
CD 21 Downtown Sub-Area 1	24 units
CD 21 Downtown Sub-Area 2	0 units
CD 21 Downtown Sub-Area 3	30 units
CD 21 Downtown Sub-Area 4	20 units
CD 21 Downtown Sub-Area 5	30 units
CD 21 Downtown Sub-Area 6	18 units



CD 21 Downtown Sub-Area 7	18 units
CD 21 Downtown Sub-Area 8	32 units
CD 21 Downtown Sub-Area 9	22 units

- (b) an Owner may opt either to provide all of the affordable housing units in a Sub-Area as set out in subsection (a) of this Section 8, or alternatively provide only 50% of the number of affordable housing units and pay 100% of the amenity contribution provided for in Section D(b) of the relevant Sub-Area Schedule.
- (c) Where an Owner provides affordable dwelling units pursuant to this Section, the Owner must, prior to construction:
  - (i) grant to the City a Section 219 Covenant in the form and on the terms annexed to this CD21 Comprehensive Zoning Bylaw as Annexure "1" "CD21 Housing Covenant";
  - (ii) enter into a Housing Agreement with the City in respect of each of the affordable dwelling units in the form and on the terms annexed to this CD21 Comprehensive Zoning Bylaw as Annexure "1" "CD21 Housing Agreement".

### Active Streetscape

- 9. Passive Uses sited at or above Street Grade and fronting on a Public Place must be sited behind an Active Use having a minimum depth of 8 metres, and all Passive Uses fronting on Harvey Avenue commencing 25 metres from the westerly boundary of Sub-Area 9 and continuing along Harvey Avenue to the easterly boundary of Sub-Area 8, must be screened by a Green Wall.
- H. The CD21 Downtown Zone is designated as a Development Permit Area by "Kelowna 2020 – Official Community Plan Bylaw No. 7600" for the purpose of guiding the form and character of development generally throughout the said zone, and specifically in each of the Sub-Areas. The Guidelines applicable to this CD21 Downtown Zone are annexed to this Bylaw as Annexure "2" and entitled "CD21 Downtown Development Permit Area Guidelines".
- I. All lands shown outlined in heavy black line on the plan annexed to this Bylaw as Plan Z-1, comprising nine Sub-Areas as delineated thereon, are hereby rezoned from Central Business Commercial (C7) or Parks and Open Space (P3) to CD21 Downtown Zone.
- J. The Zoning Map is hereby amended to show the lands identified in Section I as CD21 Downtown Zone, and to show and identify the sub-areas therein all as identified on Plan Z-1 annexed to this Bylaw, and to make all consequential amendments to the legends, notations, markings and colouring on the Zoning Map necessary to effect the purpose of this CD21 Downtown Zone.

This Bylaw including Plan Z-1, Schedules Z-1 through Z-9 and Annexures 1, 2 and 3, inclusive:

Read a first time by the Municipal Council this 6<sup>th</sup> day of October, 2008.

Considered at a Public Hearing on the 20<sup>th</sup> day of October, 2008.

Read a second and third time by the Municipal Council this 27<sup>th</sup> day of October, 2008.

Approved under the Transportation Act this 27<sup>th</sup> day of January, 2010

"W. Murray Tekano"

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(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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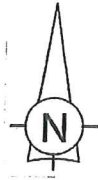
Mayor




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City Clerk

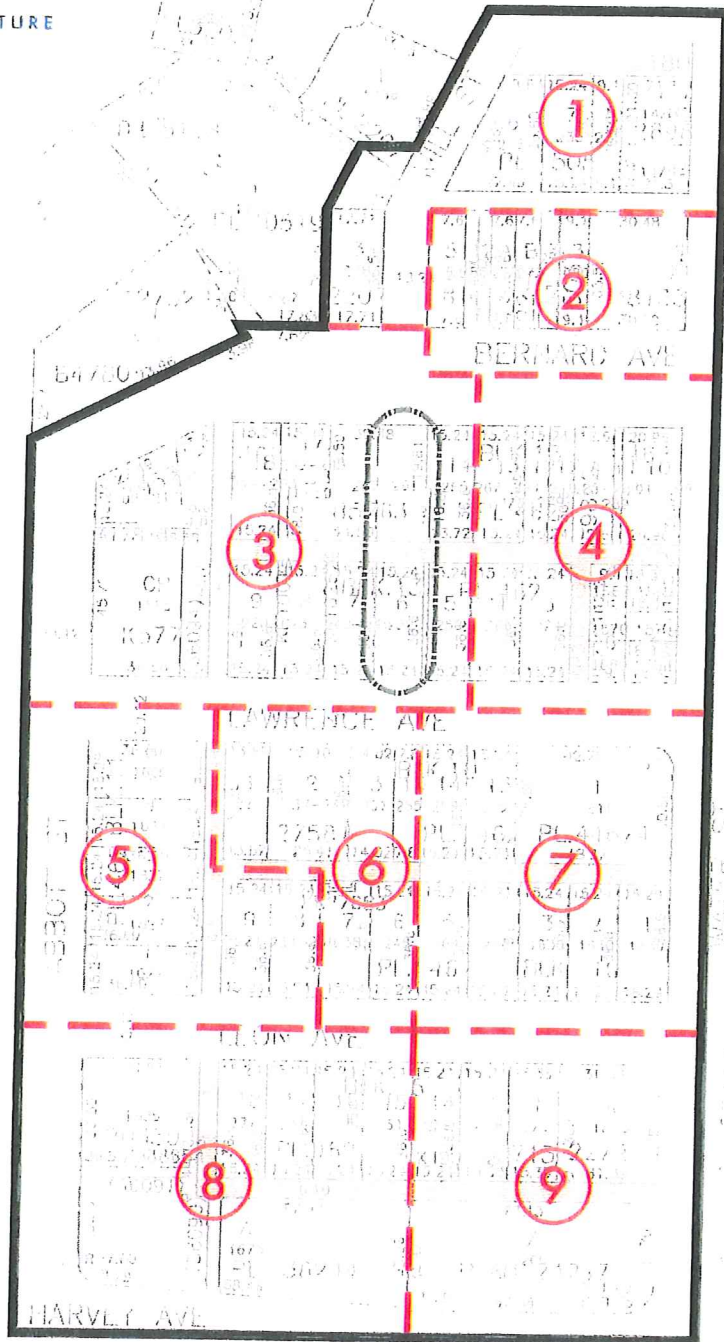
**PLAN Z-1**  
**Being an Annexure to**  
**CD-21 Comprehensive Downtown**  
**Development Bylaw No. \_\_\_\_ 2008**

 VIA ARCHITECTURE



-  CD21 Zone Boundary
-  Subarea Boundary
-  Future Mill Street Extension

**Dimensions in Metric**  
**Scale: NTS**





**ZONING SCHEDULE Z-1**  
**CD21 Downtown Sub-Area 1**

**A. Permitted Uses**

Subject to all of the following regulations in this CD21 Downtown Sub-Area 1, all uses of land, buildings and structures set out in Section 2, except those in Section 3, are permitted, and all others are prohibited provided that:

- (a) off-street vehicular parking and off-street loading must only be sited and located below grade at street level, and on the first two floors above street level of any building or structure; and
- (b) residential uses shall only be sited and located above the second floor of any building.

**B. Minimum Parcel Size**

The minimum area of a parcel created in this CD21 Sub-Area, must be the area of the CD21 Downtown Sub-Area 1, and the parcel shall have the dimensions of said Sub-Area 1, all as shown on Plan Z-1.

**C. Base Density**

The permitted base density in this CD21 Downtown Sub-Area 1 must not exceed a Floor Area Net of 15,453m<sup>2</sup> of which only 9816m<sup>2</sup> may be used for residential use.

**D. Amenity Density**

Upon the satisfaction of the conditions relating to the provision of amenities set out in this subsection D(a) and (b), and despite the base density permitted in Section C hereof, the density on a parcel conforming with Section B of this CD21 Downtown Sub-Area 1 Schedule, may be increased to a maximum of 30,906m<sup>2</sup> Floor Area Net of which only 19,633m<sup>2</sup> Floor Area Net may be used for residential use provided the City receives:

- (a) a contribution of \$2,981,781.13 for public amenities; and
- (b) a contribution of \$297,685.41 for affordable housing.

Any Contribution under (a) shall be deposited to the CD21 Downtown Amenity Reserve Fund established by Reserve Fund Bylaw No. 10101 to be used and expended for the provision of the amenities listed in and in accordance with the Amenity Reserve Fund Bylaw, and any contribution under (b) shall be deposited to the Housing Opportunities Reserve Fund to be expended for the provision of affordable housing in accordance with Reserve Fund Bylaw No. 8593.

E. Height

The maximum permitted height of any building in this CD21 Downtown Sub-Area 1 shall be 82 metres.

F. Downtown Comprehensive Development Zone Guidelines

CD21 Downtown Sub-Area 1 is within a Development Permit Area designated by the "Kelowna 2020 – Official Community Plan Bylaw No. 7600" for the purpose of guiding the form and character of development. Guidelines referenced in Section H of this CD21 Downtown Zone, and set out on Annexure "2", apply to the issuance of a development permit in this Sub-Area.

## ZONING SCHEDULE Z-2

### CD21 Downtown Sub-Area 2

A. Permitted Uses

Subject to all of the following regulations in this CD21 Downtown Sub-Area 2, all uses of lands, buildings and structures set out in Section 2, except those in Section 3, are permitted and all others are prohibited.

B. Minimum Parcel Size

The minimum area of a parcel created in this CD21 Downtown Sub-Area 2, must be the area of CD21 Downtown Sub-Area 2, and the parcel must have the dimensions of the said Sub-Area all as shown on Plan Z-1.

C. Base Density

The permitted base density in this CD21 Downtown Sub-Area 2 must not exceed 3,688m<sup>2</sup> Net Floor Area, of which only 1,878m<sup>2</sup> Net Floor Area may be used for residential use.

D. Amenity Density

Upon the owner entering into a Heritage Revitalization Agreement, pursuant to S. 966 of the *Local Government Act* in a form and on the terms attached to and forming part of this Annexure "3" as "CD21 Downtown Sub-Area HRA" in respect of all buildings and structures in the Sub-Area 2 listed in the City's Heritage Registry, and despite the base density permitted in Section C hereof, the density on a parcel conforming with Section B of this CD21 Downtown Sub-Area 2 Schedule, may be increased to a maximum of 7,376m<sup>2</sup> Net Floor Area, of which only 3,757m<sup>2</sup> Net Floor Area may be used for residential use.;

E. Height

The maximum permitted height of any building in this CD21 Downtown Sub-Area 2 shall be 22 metres.

F. Comprehensive Development Zone Guidelines for Development

CD21 Downtown Sub-Area 2 is within a Development Permit Area designated by the "Kelowna 2020 – Official Community Plan Bylaw No. 7600" for the purpose of guiding the form and character of development. Guidelines referenced in Section H of this CD21 Downtown Zone, and set out on Annexure "2", apply to the issuance of a development permit in this Sub-Area.



### ZONING SCHEDULE Z-3

#### CD21 Downtown Sub-Area 3

A. Permitted Uses

Subject to all of the following regulations in this CD21 Downtown Sub-Area 3, all uses of land, buildings and structures set out in Section 2, except those in Section 3, are permitted, and all others are prohibited; provided that off-street vehicular parking is only permitted below street level.

B. Minimum Parcel Size

The minimum area of a parcel created in this CD21 Downtown Sub-Area 3, must be the area of CD21 Downtown Sub-Area 3, and the parcel must have the dimensions of the said Sub-Area all as shown on Plan Z-1.

C. Base Density

The permitted base density on any parcel in this CD21 Downtown Sub-Area 3, must not exceed a Net Floor Area of 15,161m<sup>2</sup>, of which only 12,366m<sup>2</sup> Net Floor Area may be used for residential use.

D. Amenity Density

Upon the satisfaction of the conditions relating to the provision of amenities set out in this Section D(a), (b), and (c), and despite the base density permitted in Section C hereof, the density on a parcel conforming to S. B of this CD21 Downtown Sub-Area 3 Schedule, may be increased to a maximum of Net Floor Area of 30,323m<sup>2</sup>, of which only 24,732m<sup>2</sup> Net Floor Area may be used for residential use provided the City receives:

- (a) a contribution of \$2,925,475.00 for public amenities; and
- (b) a contribution of \$374,199.00 for affordable housing; and
- (c) the Owner enters into a Heritage Revitalization Agreement pursuant to s. 966 of the *Local Government Act* in a form and on the terms attached hereto as Annexure "3" as "CD21 Downtown HRA" in respect of all buildings and structures within the Sub-Area listed on the City's Heritage Registry.

Any contribution under (a) shall be deposited to the CD21 Downtown Amenity Reserve Fund established by Reserve Fund Bylaw No. 10101 to be used and expended for the provision of the amenities listed in and in accordance with the Amenity Reserve Fund Bylaw, and any contribution under (b) shall be deposited to the Housing Opportunities Reserve Fund to be expended for the provision of affordable housing in accordance with Reserve Fund Bylaw No. 8593.

E. Height

The maximum permitted height of any building in this CD21 Downtown Sub-Area 3 shall be 74 metres.

F. Comprehensive Development Zone Guidelines for Development

CD21 Downtown Sub-Area 3 is within a Development Permit Area designated by the "Kelowna 2020 – Official Community Plan Bylaw No. 7600" for the purpose of guiding the form and character of development. Guidelines referenced in Section H of this CD21 Downtown Zone, and set out on Annexure "2", apply to the issuance of a development permit in this Sub-Area.

## **ZONING SCHEDULE Z-4**

### **CD21 Downtown Sub-Area 4**

#### **A. Permitted Uses**

Subject to all of the following regulations in this CD21 Downtown Sub-Area 4, all uses of land, buildings and structures set out in Section 2, except those in Section 3, are permitted, and all others are prohibited, provided that:

- (a) any off-street vehicular parking at or above street level must be sited in a building behind an Active Use having a minimum depth fronting on Bernard Avenue and Water Street of 12 metres.
- (b) off-street vehicular parking and off-street loading must only be sited and located below grade at street level, and on the first two floors above street level of any building or structure.

#### **B. Minimum Parcel Size**

The minimum area of a parcel created in this CD21 Downtown Sub-Area 4, must be the area of CD21 Downtown Sub-Area 4, and the parcel must have the dimensions of the said Sub-Area all as shown on Plan Z-1.

#### **C. Base Density**

The permitted base density in this CD21 Downtown Sub-Area 4 must not exceed 10,114m<sup>2</sup> Net Floor Area, of which only 8,235m<sup>2</sup> Net Floor Area may be used for residential use.

#### **D. Amenity Density**

Upon the satisfaction of the conditions relating to the provision of amenities set out in this Section D(a) and (b), and despite the base density permitted in Section C hereof, the density on a parcel conforming with Section B of this CD21 Downtown Sub-Area 4 Schedule, may be increased to a maximum of 20,229m<sup>2</sup> Net Floor Area, of which only 16,471m<sup>2</sup> Net Floor Area may be used for residential use provided the City receives:

- (a) a contribution of \$1,951,608.00 for public amenities; and
- (b) a contribution of \$256,185.00 for affordable housing; and
- (c) the Owner enters into a Heritage Revitalization Agreement pursuant to s. 966 of the *Local Government Act* in a form and on the terms attached hereto as Annexure "3" as "CD21 Downtown HRA" in respect of all buildings and structures within the Sub-Area listed on the City's Heritage Registry.

Any Contribution under (a) shall be deposited to the Downtown CD21 Downtown Amenity Reserve Fund established by Reserve Fund Bylaw No. 10101 to be used and



expended for the provision of the amenities listed in and in accordance with the Amenity Reserve Fund Bylaw, and any contribution under (b) shall be deposited to the Housing Opportunities Reserve Fund to be expended for the provision of affordable housing in accordance with Reserve Fund Bylaw No. 8593.

E. Height

The maximum permitted height of any building in this CD21 Downtown Sub-Area 4 shall be 74 metres.

F. Comprehensive Development Zone Guidelines for Development

CD21 Downtown Sub-Area 4 is within a Development Permit Area designated by the "Kelowna 2020 – Official Community Plan Bylaw No. 7600" for the purpose of guiding the form and character of development. Guidelines referenced in Section H of this CD21 Downtown Zone, and set out on Annexure "2", apply to the issuance of a development permit in this Sub-Area.

## **ZONING SCHEDULE Z-5**

### **CD21 Downtown Sub-Area 5**

#### **A. Permitted Uses**

Subject to all of the following regulations in this CD21 Downtown Sub-Area 5, all uses of land, buildings and structures set out in Section 2, except those in Section 3, are permitted, and all others are prohibited, provided that:

- (a) all parking at or above street level in any building or structure fronting on Abbott Street or on Lawrence or Leon Avenues must be sited behind an Active Land use having a minimum depth of 8m<sup>2</sup>.
- (b) off-street vehicular parking and off-street loading must only be sited and located below grade at street level, and on the first two floors above street level of any building or structure.

#### **B. Minimum Parcel Size**

The minimum area of a parcel created in this CD21 Downtown Sub-Area 5, must be the area of CD21 Downtown Sub-Area 5, and the parcel must have the dimensions of the said Sub-Area all as shown on Plan Z-1.

#### **C. Base Density**

The permitted base density in this CD21 Downtown Sub-Area 5 must not exceed 12,342m<sup>2</sup> Net Floor Area, of which only 12,029m<sup>2</sup> Net Floor Area may be used for residential use.

#### **D. Amenity Density**

Upon the satisfaction of the conditions relating to the provision of amenities as set out in this Section D(a) and (b), and despite the base density permitted in Section C hereof, the density on a parcel conforming with Section B of this CD21 Downtown Sub-Area 5 Schedule may be increased to a maximum of 24,684m<sup>2</sup> Net Floor Area, of which only 24,058m<sup>2</sup> Net Floor Area may be used for residential use provided the City receives:

- (a) a contribution of \$1,969,267.00 for public amenities; and
- (b) a contribution of \$411,994.00 for affordable housing.

Any contribution under (a) shall be deposited to the CD21 Downtown Amenity Reserve Fund established by Reserve Fund Bylaw No. 10101 to be used and expended for the provision of the amenities listed in and in accordance with the Amenity Reserve Fund Bylaw, and any contribution under (b) shall be deposited to the Housing Opportunities Reserve Fund to be expended for the provision of affordable housing in accordance with the Reserve Fund Bylaw No. 8593.

E. Height

The maximum permitted height of any building in this CD21 Downtown Sub-Area 5 shall be 82 metres.

F. Comprehensive Development Zone Guidelines for Development

CD21 Downtown Sub-Area 5 is within a Development Permit Area designated by the "Kelowna 2020 – Official Community Plan Bylaw No. 7600" for the purpose of guiding the form and character of development. Guidelines referenced in Section H of this CD21 Downtown Zone, and set out on Annexure "2", apply to the issuance of a development permit in this Sub-Area.

**ZONING SCHEDULE Z-6**

**CD21 Downtown Sub-Area 6**

**A. Permitted Uses**

Subject to all of the following regulations in this CD21 Downtown Sub-Area 6, all uses of land, buildings and structures set out in Section 2, except those in Section 3, are permitted, and all others are prohibited, provided that:

- (a) all parking in any building or structure fronting on Lawrence or Leon Avenues must be sited behind an Active Land use having a minimum depth of 8m<sup>2</sup>.
- (b) off-street vehicular parking and off-street loading must only be sited and located below grade at street level, and on the first two floors above street level of any building or structure.

**B. Minimum Parcel Size**

The minimum area of a parcel created in this CD21 Downtown Sub-Area 6, must be the area of the said Sub-Area 6 and the parcel must have the dimensions of the said Sub-Area 6.

**C. Base Density**

The permitted base density in this CD21 Downtown Sub-Area 6 must not exceed 9,203m<sup>2</sup> Net Floor Area, of which only 7,008m<sup>2</sup> Net Floor Area may be used for residential use.

**D. Amenity Density**

Upon the satisfaction of the conditions relating to the provision of amenities set out in Section D(a) and (b), and despite the base density permitted in Section C hereof, the density on a parcel conforming with Section B of this CD21 Downtown Sub-Area 6 Schedule, may be increased to a maximum of 18,405m<sup>2</sup> Net Floor Area, of which only 14,014m<sup>2</sup> may be used for residential use provided the City receives:

- (a) a contribution of \$2,187,689.00 for public amenities; and
- (b) a contribution of \$190,374.00 for affordable housing.

Any contribution under (a) shall be deposited to the Downtown CD21 Amenity Reserve Fund established by Reserve Fund Bylaw No. 10101 to be used and expended for the provision of the amenities listed in and in accordance with the Amenity Reserve Fund Bylaw, and any contribution under (b) shall be deposited to the Housing Opportunities Reserve Fund to be expended for the provision of affordable housing in accordance with Reserve Fund Bylaw No. 8593.



E. Height

The maximum permitted height of any building in this CD21 Downtown Sub-Area 6 shall be 65 metres.

F. Comprehensive Development Zone Guidelines for Development

CD21 Downtown Sub-Area 6 is within a Development Permit Area designated by the "Kelowna 2020 – Official Community Plan Bylaw No. 7600" for the purpose of guiding the form and character of development. Guidelines referenced in Section H of this CD21 Downtown Zone, and set out on Annexure "2", apply to the issuance of a development permit in this Sub-Area.

## **ZONING SCHEDULE Z-7**

### **CD21 Downtown Sub-Area 7**

**A. Permitted Uses**

Subject to all of the following regulations in this CD21 Downtown Sub-Area 7, all uses of land, buildings and structures set out in Section 2, except those in Section 3, are permitted, and all others are prohibited; provided that all off-street parking must be below street level except where such off-street parking is required for a building on the City of Kelowna Heritage Register.

**B. Minimum Parcel Size**

The minimum area of a parcel created in this CD21 Downtown Sub-Area 7, must be the area of the said Sub-Area 7 and the parcel must have the dimensions of the said Sub-Area 7.

**C. Base Density**

The permitted base density in this CD21 Downtown Sub-Area 7 must not exceed 8,298m<sup>2</sup> Net Floor Area, of which only 6,978m<sup>2</sup> Net Floor Area may be used for residential use.

**D. Amenity Density**

Upon the satisfaction of the conditions relating to the provision of amenities set out in this Section D(a) and (b), and despite the base density permitted in Section C hereof, the density on a parcel conforming with Section B of this CD21 Downtown Sub-Area 7 Schedule may be increased to a maximum of 16,596m<sup>2</sup> Net Floor Area, of which only 13,955m<sup>2</sup> Net Floor Area may be used for residential use provided the City receives:

- (a) a contribution of \$1,601,154.00 for public amenities; and
- (b) a contribution of \$216,868.00 for affordable housing.

Any contribution under (a) shall be deposited to the Downtown CD21 Amenity Reserve Fund established by Reserve Fund Bylaw No. 10101 to be used and expended for the provision of the amenities listed in and in accordance with the Amenity Reserve Fund Bylaw, and any contribution under (b) shall be deposited to the Housing Opportunities Reserve Fund to be expended for the provision of affordable housing in accordance with Reserve Fund Bylaw No. 8593.

**E. Height**

The maximum permitted height of any building in this CD21 Downtown Sub-Area 7 shall be 65 metres.

F. Comprehensive Development Zone Guidelines for Development

CD21 Downtown Sub-Area 7 is within a Development Permit Area designated by the "Kelowna 2020 – Official Community Plan Bylaw No. 7600" for the purpose of guiding the form and character of development. Guidelines referenced in Section H of this CD21 Downtown Zone, and set out on Annexure "2", apply to the issuance of a development permit in this Sub-Area.

## **ZONING SCHEDULE Z-8**

### **CD21 Downtown Sub-Area 8**

**A. Permitted Uses**

Subject to all of the following regulations in this CD21 Downtown Sub-Area 8, all uses of land, buildings and structures set out in Section 2, except those in Section 3, are permitted, and all others are prohibited provided that all Passive Uses sited in a building must only be sited behind an Active Use having a minimum depth of 12 metres on a Harvey Avenue frontage and 8 metres on a Leon Avenue or Abbott Street frontage.

**B. Minimum Parcel Size**

The minimum area of a parcel created in this CD21 Downtown Sub-Area 8, must be the area of the said Sub-Area 8 and the parcel must have the dimensions of the said Sub-Area 8.

**C. Base Density**

The permitted base density in this CD21 Downtown Sub-Area 8 must not exceed 18,220m<sup>2</sup> Net Floor Area, of which only 12,939m<sup>2</sup> may be used for residential use.

**D. Amenity Density**

Upon the satisfaction of the conditions relating to the provision of amenities set out in this Section D(a) and (b), and despite the base density permitted in Section C hereof, the density on a parcel conforming with Section B of this CD21 Downtown Sub-Area 8 Schedule, may be increased to a maximum of 36,440m<sup>2</sup> Net Floor Area, of which only 25,877m<sup>2</sup> Net Floor Area may be used for residential use provided the City receives: :

- (a) a contribution of \$3,511,918.00 for public amenities; and
- (b) a contribution of \$409,394.00 for affordable housing.

Any contribution under (a) shall be deposited to the Downtown CD21 Amenity Reserve Fund established by Reserve Fund Bylaw No. 10101 to be used and expended for the provision of the amenities listed in and in accordance with the Amenity Reserve Fund Bylaw, and any contribution under (b) shall be deposited to the Housing Opportunities Reserve Fund to be expended for the provision of affordable housing in accordance with Reserve Fund Bylaw No. 8593.

**E. Height**

The maximum permitted height of any building in this CD21 Downtown Sub-Area 8 shall be 82 metres.



F. Comprehensive Development Zone Guidelines for Development.

CD21 Downtown Sub-Area 8 is within a Development Permit Area designated by the "Kelowna 2020 – Official Community Plan Bylaw No. 7600" for the purpose of guiding the form and character of development. Guidelines referenced in Section H of this CD21 Downtown Zone, and set out on Annexure "2", apply to the issuance of a development permit in this Sub-Area.

## **ZONING SCHEDULE Z-9**

### **CD21 Downtown Sub-Area 9**

**A. Permitted Uses**

Subject to all of the following regulations in this CD21 Downtown Sub-Area 9, all uses of land, buildings and structures set out in Section 2, except those in Section 3, are permitted, and all others are prohibited provided that all Passive Uses sited in a building must only be sited behind an Active Use having a minimum depth of 12 metres on a Harvey Avenue frontage and 8 metres on a Leon Avenue and Water Street frontage.

**B. Minimum Parcel Size**

The minimum area of a parcel created in this CD21 Downtown Sub-Area 9, must be the area of the said Sub-Area 8 and the parcel must have the dimensions of the said Sub-Area 9.

**C. Base Density**

The permitted base density in this CD21 Downtown Sub-Area 9 must not exceed 18,220m<sup>2</sup> Net Floor Area, of which only 9,229m<sup>2</sup> Net Floor Area may be used for residential use.

**D. Amenity Density**

Upon the satisfaction of the conditions relating to the provision of amenities, set out in this Section D(a) and (b), and despite the base density permitted in Section C hereof, the density on a parcel conforming with Section B of this CD21 Downtown Sub-Area 9 Schedule, may be increased to a maximum of 36,440m<sup>2</sup> Net Floor Area, of which only 18,459m<sup>2</sup> Net Floor Area may be used for residential use provided the City receives:

- (a) a contribution of \$3,161,131.00 for public amenities; and
- (b) a contribution of \$292,039.00 for affordable housing.

Any contribution under (a) shall be deposited to the Downtown CD21 Amenity Reserve Fund established by Reserve Fund Bylaw No. 10101 to be used and expended for the provision of the amenities listed in and in accordance with the Amenity Reserve Fund Bylaw, and any contribution under (b) shall be deposited to the Housing Opportunities Reserve Fund to be expended for the provision of affordable housing in accordance with Reserve Fund Bylaw No. 8593.

**E. Height**

The maximum permitted height of any building in this CD21 Downtown Sub-Area 9 shall be 82 metres.

F. Comprehensive Development Zone Guidelines for Development

CD21 Downtown Sub-Area 9 is within a Development Permit Area designated by the "Kelowna 2020 – Official Community Plan Bylaw No. 7600" for the purpose of guiding the form and character of development. Guidelines referenced in Section H of this CD21 Downtown Zone, and set out on Annexure "2", apply to the issuance of a development permit in this Sub-Area.

[FORM C TO BE ADDED]

PART 2 – TERMS OF INSTRUMENT

Section 219 Covenant and Housing Agreement

This Agreement dated for reference the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

BETWEEN:

[OWNER] OF -----

AND:

THE CITY OF KELOWNA, a municipal corporation under the  
*Local Government Act* and having its offices at 1435 Water Street,  
Kelowna, British Columbia, V1Y 1J4.

WHEREAS:

- A. The Owner has tendered plans (the "Plans") as part of a building permit application to construct a building or buildings (the "Buildings") pursuant to the CD-21 Downtown Zone Regulations and Guidelines on lands situate in CD-21 Downtown Sub-Area \_\_\_\_, legally described as:

the "Lands"

- B. The Owner intends to subdivide the residential portions of the Building or Buildings into strata lots, each one being a dwelling unit.
- C. Pursuant to the Amenity Density provisions of the CD-21 Downtown Zone applicable to Sub-Area \_\_\_\_, the Owner has agreed to enter into this Agreement and to provide strata lots as Affordable Housing Units.
- D. The Owner has also agreed to grant to the City the Section 219 *Land Title Act* covenants herein.
- E. This Section 219 Covenant and Housing Agreement is Annexure 1 to the CD-21 Downtown Zoning Bylaw

NOW THEREFORE in consideration of the Amenity Bonus pursuant to CD-21 Downtown Zoning provisions and the payment of \$1.00 by the City (the receipt and sufficiency whereof is hereby by the Owner acknowledged), the Owner hereby grants these covenants under S. 219 of the *Land Title Act* and agrees pursuant to S. 905 of the *Local Government Act* as follows:

- A. S. 219 Covenant



1. The Lands may only be built upon if \_\_\_\_ residential strata lots in the Building, in a form acceptable to the City and each unit of a size not less than 600 sq. feet, have, with written approval of the City, first been identified as Affordable Dwelling Units ("ADU's") on the Plans.
2. The ADU's must be built strictly in accordance with the Plans and to all standards and specifications set out in the Plans.
3. No building within which ADU's are to be built shall be used for residential or commercial use until the City's Building Inspector in writing has agreed that the ADU's have been fully completed in accordance with the Plans.
4. Upon Agreement of the Building Inspector, pursuant to Section 3 of this Covenant, the City must discharge this Section 219 Covenant from all portions of the Lands and all strata lots created within Buildings on the Lands except from the ADU's.

B. Housing Agreement

5. An ADU must be occupied by an Owner either as a one-person household, or as part of a multiple-person household.
6. The gross annual income of all persons who occupy an ADU must not exceed the Affordable Ownership Income Level.
7. An ADU must not be used or occupied by a tenant, licensee, or by any other person other than a member of the same household as the Owner.
8. The Owner must not:
  - (a) agree to a sell or transfer or mortgage an ADU for greater than the Starter House Price;
  - (b) agree to sell or transfer or mortgage any interest in an ADU other than a fee simple or mortgage interest; and
  - (c) sell or transfer any ADU to other than a household that meets the Affordable Ownership Income Level.
9. Statutory Declaration - Within five days after receiving notice from the City, the Owner must deliver to the City a statutory declaration, substantially in the form attached as schedule A, sworn by the Owner, or a knowledgeable director, officer or employee of any corporate Owner, under oath before a commissioner for taking affidavits in British Columbia, containing all of the information required to complete the statutory declaration. The City may request such a statutory declaration no more than four times in any year. The Owner must submit such a statutory declaration a minimum of once a year

C. General Provisions

10. No Effect On Laws or Powers - This Agreement does not
  - (a) affect or limit the discretion, rights, duties or powers of the City under any enactment or at common law, including in relation to the use or subdivision of land;
  - (b) impose on the City any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement;
  - (c) affect or limit any enactment relating to the use or subdivision of land; or
  - (d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of land.
11. Notice - Any notice which may be or is required to be given under this Agreement must be in writing and either be delivered or sent by facsimile transmission. Any notice which is delivered is to be considered to have been given on the first day after it is dispatched for delivery. Any notice which is sent by fax transmission is to be considered to have been given on the first business day after it is sent. If a party changes its address or facsimile number, or both, it must promptly give notice of its new address or facsimile number, or both, to the other party as provided in this section.
12. Release - The Owner by this Agreement releases and forever discharges the City and each of its elected officials, officers, directors, employees and agents, and its and their heirs, executors, administrators, personal representatives, successors, and assigns, from and against all claims, demands, damages, actions, or causes of action by reason of or arising out of advice or direction respecting the ownership, lease, operation, or management of the Land or the ADU's which has been, or at any time after the commencement of this Agreement may be given to the Owner by all or any of them. This clause will survive the termination of this Agreement.
13. Joint Venture - Nothing in this Agreement will constitute the Owner as the agent, joint venturer, or partner of the City, or give the Owner any authority to bind the City in any way.
14. Limitation on Owner's Obligations - The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Land.
15. Waiver - an alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
16. Equitable Remedies - The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement, that the City is entitled to obtain an order for specific performance of this Agreement and a prohibitory or mandatory injunction in respect of any breach by the Owner of this Agreement, and



further that this clause is reasonable given the public interest in restricting the occupancy and disposition of each ADU Unit on the Land in accordance with this Agreement.

17. Further Acts - The Owner shall do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.
18. Severance - If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by the holding or by the severance of that part.
19. No Other Agreement - This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.
20. Amendment - This Agreement may be discharged, amended or affected only by an instrument duly executed by both the Owner and the City.
21. Priority - The Owner agrees to do everything necessary at the Owner's expense to ensure that this Agreement, and each subsequent Section 219 covenant contemplated by Section 2 are registered against title to the Land with priority over all financial charges, liens and encumbrances registered or pending at the time of application for registration of these agreements.
22. Covenants pursuant to Section 219 of the *Land Title Act* run with the land, and on filing of this Agreement pursuant to Section 905 of the *Local Government Act*, its terms and conditions are binding on persons who acquire an interest in the Lands and Buildings.
23. Deed and Contract - By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

### Interpretation

24. In this Agreement:
  - (a) "Affordable Ownership Income Level" means the income level, published annually by the City, at which a Household would be capable of buying a home at the Starter Home Price, and is based on the purchase ability at the median income level from the most recent federal census for all two or more person households, assuming 30% of gross household income expenditure for shelter;
  - (b) "BCCPI" means the All-Items Consumer Price Index for British Columbia, published from time to time by Statistics Canada, or its successor in function, where 1992 = 100;
  - (c) "City" means the City of Kelowna;

- (d) "Gross Annual Income" means the sum of all taxable incomes, being the amount identified as taxable income on the most recent income tax return of all individuals 15 years and older that reside in the Household;
- (e) "Household" means
  - (i) a person;
  - (ii) two or more persons related by blood, marriage, or adoption; or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities;
  - (iii) a group of not more than five persons, including boarders, who are not related by blood, marriage, or adoption, or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities; or
  - (iv) a combination of (ii) or (iii), provided that the combination total does not include more than 3 persons unrelated by blood, marriage or adoption or associated through foster care; all living together in one dwelling unit as a single family household using common cooking facilities.
- (f) "Starter Home Price" means the prices published annually by the City for a basic strata-titled home.



## SCHEDULE A

[AFFORDABLE OWNERSHIP DWELLING UNITS]

CANADA	)	IN THE MATTER OF A HOUSING
	)	AGREEMENT WITH THE CITY OF
	)	KELOWNA ("Housing Agreement") for the
PROVINCE OF BRITISH COLUMBIA	)	land legally described as [INSERT LEGAL]

I, \_\_\_\_\_, of \_\_\_\_\_, do solemnly declare:

1. This declaration is made with respect to the Dwelling Unit ("Unit") legally or otherwise described as follows:

[INSERT LEGAL DESCRIPTION AND CIVIC ADDRESS].

2. That I am the Owner of the Unit and make this declaration to the best of my personal knowledge.

[or]

That I am the \_\_\_\_\_ [director, officer, employee] of the Owner of the Unit and [make this declaration to the best of my personal knowledge] [or: have been informed by \_\_\_\_\_ and believe the statements in this declaration to be true].

3. This declaration is made pursuant to the Housing Agreement in respect of the Unit.
4. The City's published applicable Starter Home Price for the Unit is \$ \_\_\_\_\_.
5. For the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ the Unit was occupied by the following persons, whose names and addresses appear below, and in accordance with the Housing Agreement

[INSERT NAMES AND AGES OF ALL OCCUPANTS WITH ADDRESS OF UNIT].

6. The Annual Gross Income of all of the individuals described in paragraph 5 is \$ \_\_\_\_\_. This amount does not exceed the income defined under Clause 7 (below).
7. The annual median income of a 2 or more person City of Kelowna household, as determined in accordance with the federal census and updated between census periods

using the annual average consumer price index for all items in British Columbia using 1992 = 100 as a base, published by the City is \$\_\_\_\_\_.

8. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the *Canada Evidence Act*.

SWORN BEFORE ME at the City of \_\_\_\_\_  
 \_\_\_\_\_, in the \_\_\_\_\_  
 \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_  
 \_\_\_\_\_, \_\_\_\_.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

\_\_\_\_\_  
**Signature of person making  
 declaration**

\_\_\_\_\_  
 A Commissioner for taking affidavits for  
 British Columbia

## SCHEDULE B

### [STARTER HOME PRICE CALCULATION BY CITY]

“Affordable Ownership” is based on the income level at which a household would be capable of entering the Kelowna ownership market. This is equivalent to the “starter home price” and is derived based on the purchase ability at the median income level for all two or more person households from the most recent Census, assuming 30 % of gross household income expenditure for shelter. The starter home price will be updated annually between Census years using the B.C. Consumer Price Index (BCCPI), be given for a non-strata-titled home, a strata-titled home and a mobile /manufactured home, and be published annually by the City.

On the basis of policy direction in the City of Kelowna Official Community Plan By-law 7600, (policy 8.1.16) the City has committed to calculating and providing the starter home prices on an annual basis published in The Housing Resources Handbook: Benchmarks and Resources for Affordable, Special Needs and Rental Housing. The following Methodology is used to calculate the starter home prices in the City of Kelowna every five years. Between Census years, the numbers for median income and starter home prices are updated annually using the BCCPI

#### STARTER HOME PRICE CALCULATION

Line		Single Family	Strata	Manufactured Home
<b>Insert:</b>				
<b>1</b>	<b>Gross Income</b>			
<b>2</b>	<b>Mortgage Rate</b>			
<b>3</b>	<b>Insurance Rate</b>			
<b>4</b>	<b>Mill Rate</b>			
<b>5</b>	<b>Property Tax</b>			
<b>6</b>	<b>Homeowner Grant</b>			
<b>7</b>	<b>Strata Fees / Mobile Home Pad Rental</b>			
<b>8</b>	<b>Annual Heating Costs</b>			
<b>9</b>	<b>Annual Utility Costs</b>			
<b>Calculate:</b>				
<b>10</b>	<b>Annual Housing Cost (30% of Income)</b>			
<b>11</b>	<b>Yearly Mortgage Payment</b>			
<b>12</b>	<b>Monthly Mortgage Payment</b>			
<b>13</b>	<b>Total Home Financing</b>			
<b>14</b>	<b>Mortgage Insurance Cost</b>			
<b>15</b>	<b>Mortgage Financing (95%)</b>			
<b>16</b>	<b>Home Price (Starter Home)</b>			

The process used to calculate the Starter Home Price in the City of Kelowna is as follows:

**1. COLLECT THE FOLLOWING DATA FROM THE SOURCES LISTED AND INSERT INTO THE TABLE:**

**1.1 Gross Income (Line 1)**

- When new Census information is available, the figure for median income of a two or more person household in Kelowna is obtained and used as the gross income. Gross Income is the aggregated taxable income (line 260 of income tax T1 General Form) of all residents 15 years and older residing in the household. Income data recorded by the Census, however, is usually for the year prior to the Census (for example, the 2001 Census recorded 2000 income levels). The income level may therefore need to be updated to the most recent year, using the BCCPI.

**1.2 Mortgage Rate (Line 2)**

- The mortgage rate is equal to the Bank of Canada Prime Lending Rate, plus 3

**1.3 Insurance Rate (Line 3)**

- The insurance rate is equivalent to Canada Mortgage and Housing Corporation (CMHC) mortgage insurance rate for a mortgage with a 5% down payment.

**1.4 Mill Rate (Line 4)**

- The current mill rate for residential taxation used by the City of Kelowna.

**1.5 Property Tax (Line 5)**

- The property tax figure is estimated based on the previous figures used in the table. This figure may be later adjusted based on the outcome of the final calculations

**1.6 Homeowners Grant (Line 6)**

- Homeowner grants are offered by the provincial government amount. Establish the standard grant amount.

**1.7 Strata Fees and/or Pad Rentals (Line 7)**

- Comparing strata fees, as found using MLS listings for Kelowna and/or as indicated by a local realtor, estimate the average strata fee.
- Using sample from mobile home sites in the city, estimate the average mobile home pad rental fees

**1.8 Heating Costs (Line 8)**

- Using local data, determine Heating Costs using CMHC methodologies. Subsequently, heating costs are adjusted in accordance with inflation as determined using the BCCPI percentage change in energy costs from the previous year.

**1.9 Utilities Costs (Line 9)**

- Using local data, determine Utilities Costs using CMHC methodologies. Subsequently, utilities costs are adjusted in accordance with inflation as determined using the BCCPI percentage change in electricity from the previous year. Phone, cable/satellite, and internet costs are not included in the utilities cost calculation.
- Note if there were changes in sewer and water rates from the City and adjust accordingly.



## 2. CALCULATE THE FOLLOWING NUMBERS AND INSERT INTO THE TABLE:

### 2.1 Annual Housing Cost (Line 10)

- The annual housing cost is based on the assumption that 30% of gross income may be spent on housing.

$$\text{Gross Income (Line 1)} \times 0.30 = \text{Annual Housing Cost}$$

### 2.2 Annual Mortgage Payment (Line 11)

- The annual mortgage payment is equal to the annual housing costs (Line 10) minus the heating costs, utility costs, strata fees/pad rent, and the total property tax payment amount (i.e. property tax minus the homeowner grant).

$$\begin{aligned} &\text{Annual Housing Cost} \\ &- \text{Heating Cost} \\ &- \text{Utility Costs} \\ &- \text{Strata/Pad Rental Fees} \\ &- \text{(Property Tax - Homeowner Grant)} \\ &= \text{Annual Mortgage Payment} \end{aligned}$$

### 2.3 Monthly Mortgage Payment (Line 12)

- The annual mortgage payment is spread out over 12 months:

$$\text{Annual Mortgage Payment} \div 12 = \text{Monthly Mortgage Payment}$$

### 2.4 Total Home Financing (Line 13)

- The total financing required is determined by using a mortgage calculator (such as [http://www.realestatelistings.bc.ca/mortgage\\_calc.htm](http://www.realestatelistings.bc.ca/mortgage_calc.htm)). Assume a 5 year renewable/25 year mortgage, and insert the interest rate as per Line 2. Enter an estimate in the mortgage amount. Adjust the mortgage amount until the monthly payment matches, as close as possible, the monthly mortgage payment in Line 12. This amount is the total financing required.

### 2.5 Mortgage Insurance (Line 14)

- The mortgage insurance amount is calculated, using the insurance rate from Line 3 as follows:

$$\begin{aligned} &\text{mortgage financing (Line 13)} \times \frac{1}{(\text{insurance rate} + 1) \div \text{insurance rate}} \\ &= \text{mortgage insurance (Line 14)} \end{aligned}$$

### 2.6 Mortgage Financing (95%) (Line 15)

- Mortgage Financing (95%) is the home financing required based on a 5% down payment and is calculated as follows:

$$\begin{aligned} &\text{mortgage insurance (Line 14)} \div \text{Insurance Rate (Line 3)} \\ &= \text{mortgage financing at 95% (Line 15)} \end{aligned}$$

2.7 Starter Home Price (Line 16):

- The Starter Home Price is calculated as follows:

$$\frac{\text{Mortgage financing (Line 15)} \times 100}{95} = \text{starter home price}$$

2.8 Confirmation of Starter Home Price

- The starter home price is then confirmed using the mill rate (Line 4) to calculate the property tax as follows:

$$\text{starter home price (Line 16)} \times \text{mill rate (Line 4)} = \text{property tax}$$

- Compare this property tax figure to the property tax figure used in Line 5. If the numbers are not similar, adjust the property tax (Line 5) to number closer to the figure above and repeat the above calculations (Lines 13 through 16).
- Next, using the starter home price, as re-calculated above, work through the table backwards in order to calculate the gross annual income. The gross annual income calculated should be equal to the gross annual income figure representing the median income of a two or more person household in Kelowna (Line 1). If the numbers are not the same, continue to adjust the property tax figure, and repeat the calculations, until the gross annual income figures match.
- Update the figures using the BCCPI if necessary.

**SAMPLE**

The following is the starter home price calculation, based on the median income figure for a Kelowna 2 or more person household obtained from the 2006 Census. Income from the Census was for the year 2005 and has been updated using the BC Consumer Price Index to 2007. All the other calculations are based on 2007 rates (e.g. mortgage, mortgage insurance, property tax, utility costs, strata fees).

**STARTER HOME CALCULATION**

Line		Single Family	Strata	Manufactured Home
<b>Insert:</b>				
1	Gross Income	63426	63426	63426
2	Mortgage Rate	0.0775	0.0775	0.0775
3	Insurance Rate	3.1%	3.1%	3.1%
4	Mill Rate	.0056898	.0056898	.0056898
5	Property Tax	1182.72	1115.39	1064.56
6	Homeowner Grant	570	570	570
7	Strata Fees / Mobile Home Pad Rental	0	2100	3600
8	Annual Heating Costs	2012	2012	2012
9	Annual Utility Costs	1947	1947	1947
<b>Calculate:</b>				
10	Annual Housing Cost (30% of Income)	19,027.80	19,027.80	19,027.80
11	Yearly Mortgage Payment	14,456.08	12,423.41	10,974.24
12	Monthly Mortgage Payment	1,204.67	1,035.28	914.52
13	Total Home Financing	203,595	192,005	183,255
14	Mortgage Insurance Cost	6,311.46	5,952.14	5,680.91
15	Mortgage Financing (95%)	19,7143.65	18,6231.35	177,745
16	Home Price (Starter Home)	207,867	196,033	187,100

Calculation to Update Starter Home Prices for 2007

In 2009, the numbers in the table (page 2) will be updated, as in step 1, to generate the following numbers:

2008 median income = (\$63,426 X avg. annual BCCPI for 2008) + \$63,426

Single Family Starter Home 2008 = \$207,867 + (BCCPI x 207,867)

Strata Titled Starter Home 2008 = \$196,003 + (avg. annual BCCPI for 2008 x \$196,003)

Mobile / Modular Starter Home 2008 = \$187,100 + (avg. annual BCCPI for 2008 x \$187,100)

**END OF DOCUMENT**

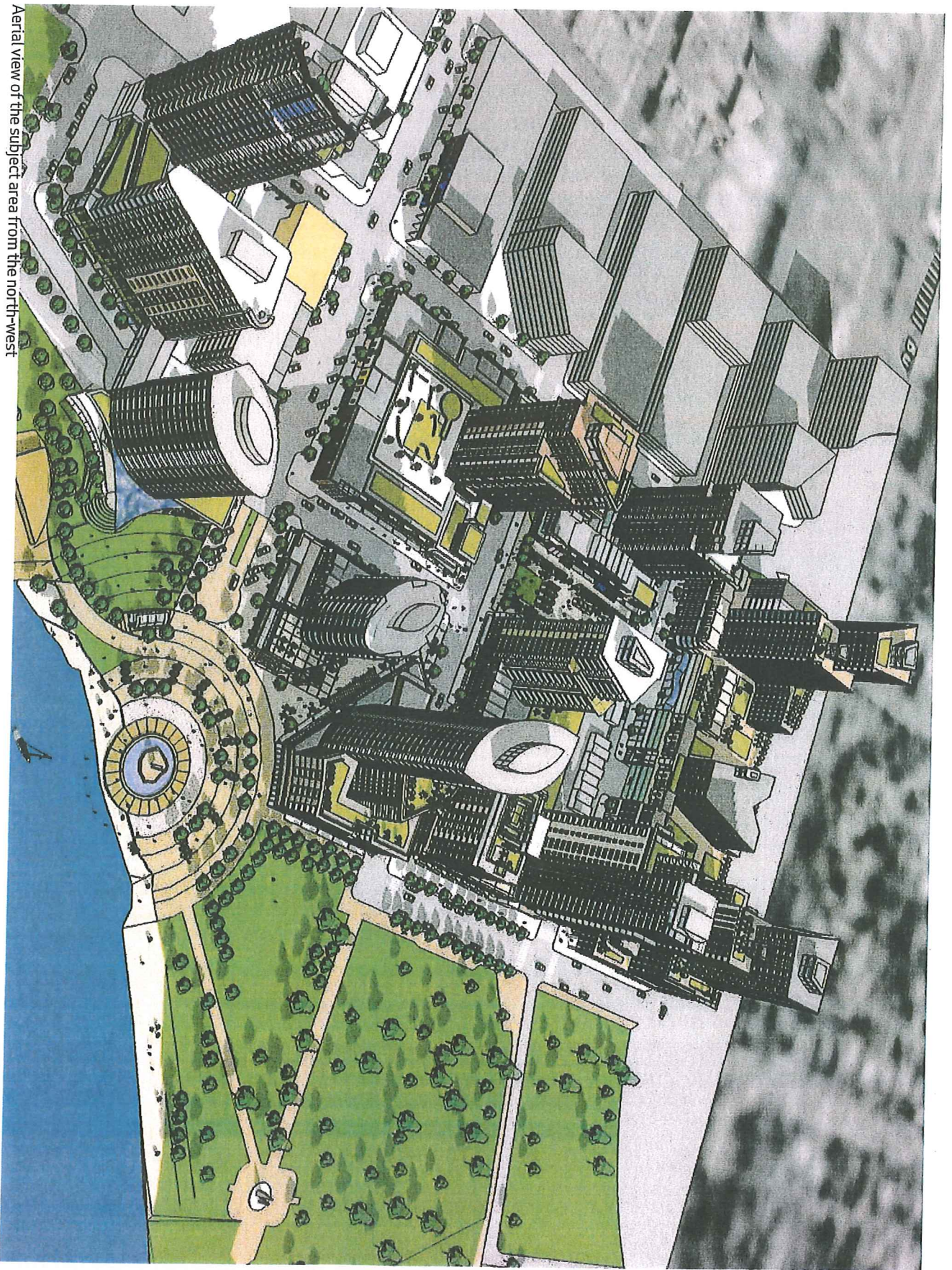


# CD 21

## Downtown Comprehensive Development Zone Guidelines





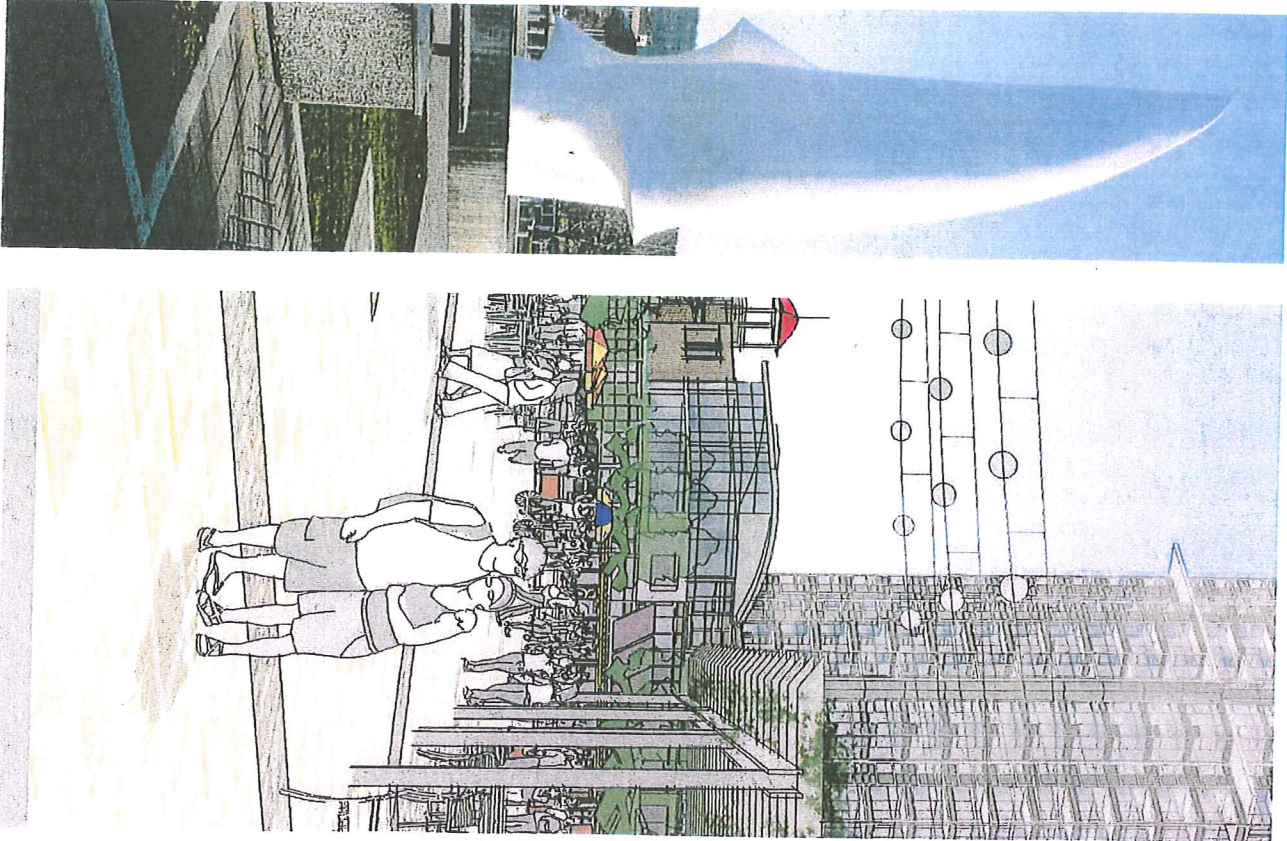


Aerial view of the subject area from the north-west

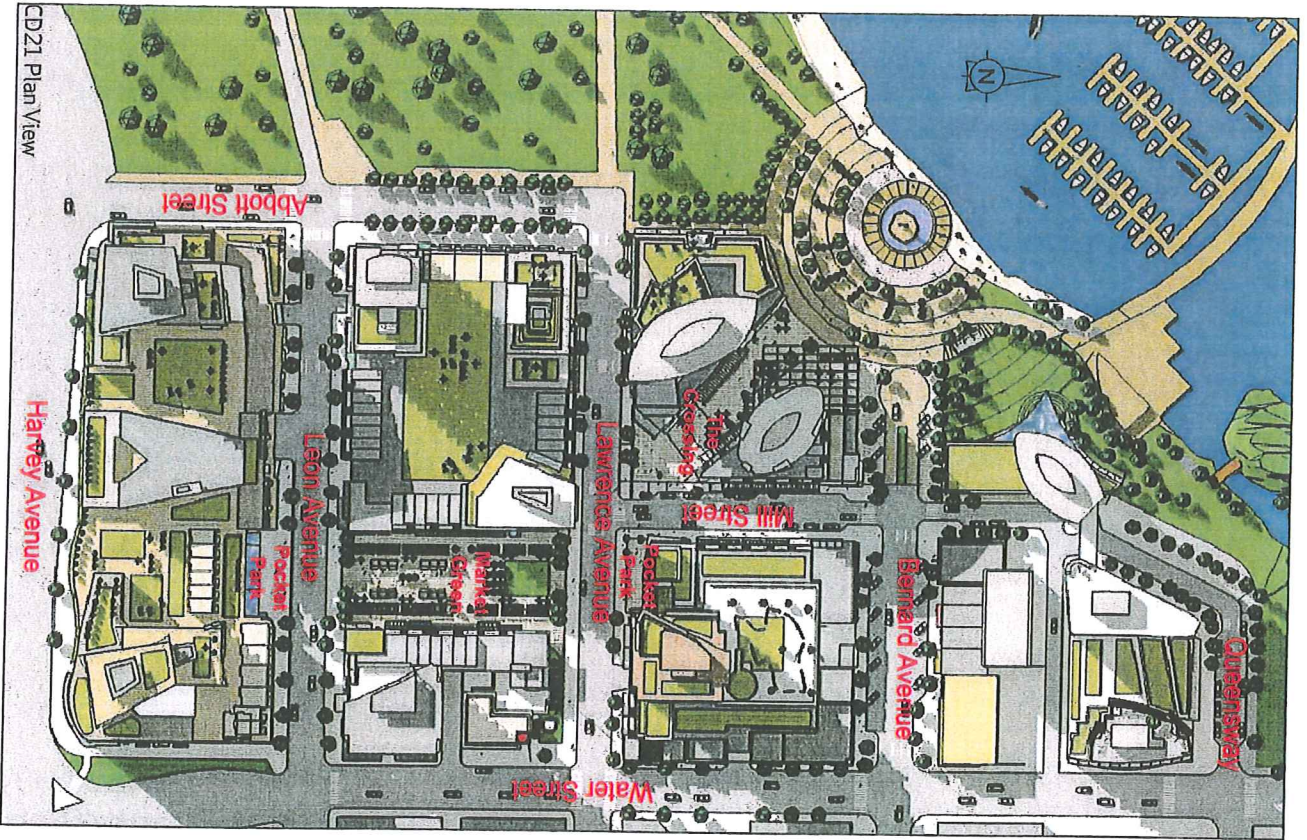


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# 1.0 VISION STATEMENT

These guidelines are to guide the development within the boundary of the CD 21 Area as outlined in figure 1-a) As well as assisting each Development Permit applicant, they will be used by staff in the evaluation of development proposals.

The guidelines have been developed from the Organizing Principles outlined in Appendix 1 and the Urban Design Principles illustrated in Appendix b) They are intended to provide clarity of vision for the character of this district, and to provide a structure of certainty to guide the shaping of the architecture. The focus is to shape built form to enhance residential livability and year-round urban vitality. They are intended to direct detailed design to ensure that each individual development is compatible with the overall urban design concepts approved for this district. The particular set of building and open spaces illustrated in these guidelines are not intended to be the final form of development, but rather represent a 'conforming outline' as a tangible starting point for detailed design to build upon.

Accordingly, in addition to laying out the intentions for the built form of this area, specific criteria to guide development are provided in both the General and Sub-area Guidelines. These include building setbacks, building spacing, maximum floor plate areas, maximum building heights, and other such parameters. They provide a comprehensive framework for anticipating the spatial relationships and functional impacts of property developments on the public and private realms as they build out over time.

## 1.1 Streetscape Experience

A core intention is to create an environment that enhances walking and encourages socially-supportive sidewalk and public open space activity, making this an urban destination accessible and attractive to all Kelowna citizens and visitors to the community. Buildings will be expected to make a primary contribution through the provision of a dynamic interface with the public realm.

Accordingly, new development will be encouraged to pay special attention to edges that define public spaces, specifically to creation of **streetswalls**. It should also give keen consideration to the transition

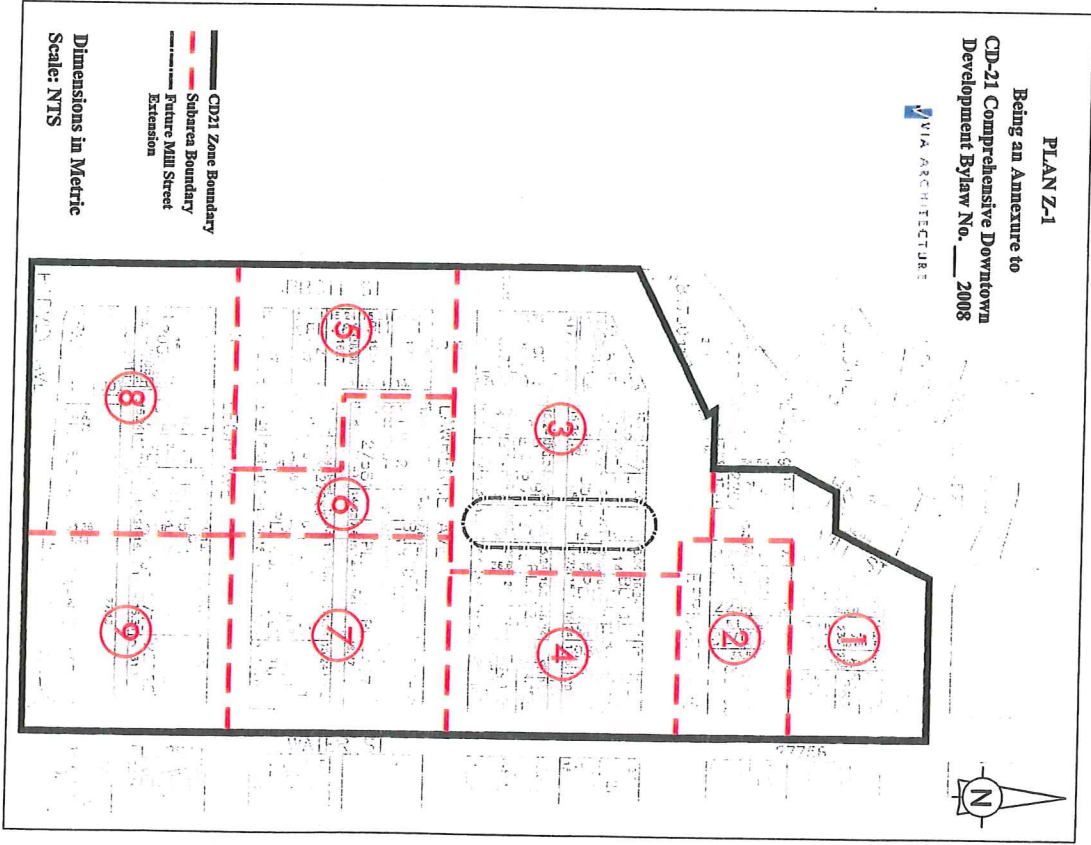


Figure 1-1: CD21 Boundary Area Illustration



between indoors and outdoors and the transition between public and private domains, whether these be at ground level, or on **rooftops** and balconies. A strong sense of inter-connection between buildings and public spaces is essential and provision of active **retail** and cafe frontages at street level will be particularly crucial to the creation of a successful public realm.

Moreover, an overarching concept of layering and screening has been established. This layering concept has its inspiration in the region's agriculture, and capitalizes on the opportunity to develop a distinctive and appropriate Okanagan architecture. These architectural devices seek to enhance the community's sense of place in an environmentally responsive manner through the filtering of both sun and precipitation. Directions to achieve this outcome are more specifically set out in the guidelines that follow.

## 1.2 Skyline Experience

Kelowna's skyline will be key to its urban identity. As such, building forms within the subject area should symbolically enhance the narrowing of the lake that has fostered human habitation. In a similar manner that tall trees line the bank of fast-moving streams, this location, as the site of the genesis of the community, should showcase high-quality design of slender vertical forms that thrive on the social nutrient of the lake edge, and express the notion of livability from their bases to their crowns.

Additionally, the concept has been conceived to provide permeability between the lakefront and the downtown commercial core to the east. This approach, in that it strategically locates **tower** forms, is intended to prevent shadowing of key public spaces at ground level as well as to optimize views between buildings.





## 2.0 GENERAL GUIDELINES

### 2.1 Authenticity, Regional Expression, and Sense of Place

Appropriate architectural responses to the natural landscape are critical to achieving a sense of place. Equally as important to a region's identity is its cultural landscape, i.e. the patterns and textures of a community that accrue over time, including events and personalities, land uses, cultural traditions, and built forms.

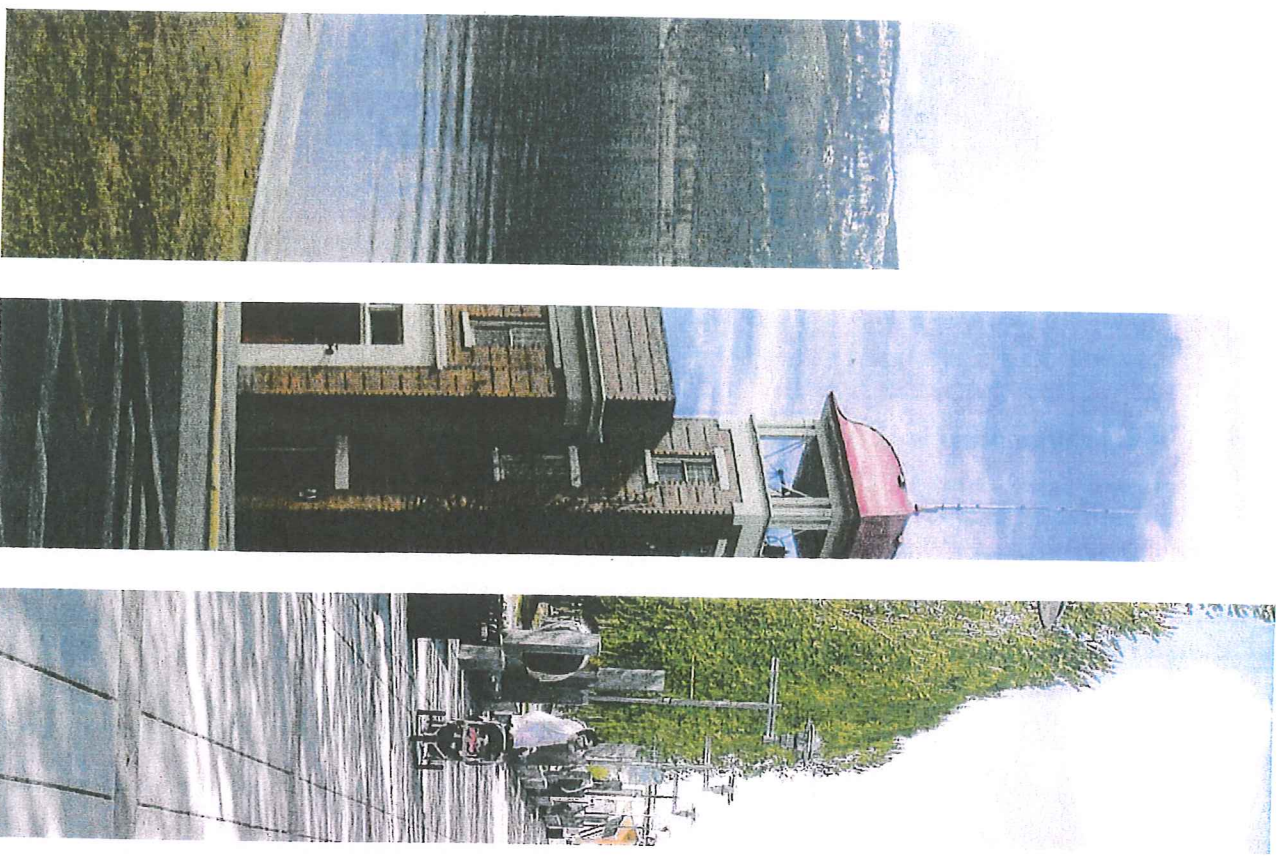
It is intended that the subject area convey a strong sense of authenticity, meaning that the form and character of buildings and spaces convey a sense of that which is distinctive to Kelowna and the Central Okanagan. Building and public spaces within the subject area, in their character, should build upon and celebrate that which is unique and distinctive about the Okanagan Valley by drawing inspiration from the region's natural and cultural landscapes.

The particular opportunity is to reflect the region's ongoing agricultural heritage, through the expression of winery and orchard-inspired trellises, thereby providing shade as well as expression of a unique urban character.

As a complement, **streetwall/podiums** should represent the soil and rock of the region, while the **towers** should express the interconnectedness of indoor and outdoor spaces that is an architectural response to the Okanagan's pleasant climate. In this regard, transparency is secondary to layering and screening, preferably in a manner that can change with the seasons.

Therefore, in addition to other directions set out herein with regard to regional expression, e.g, trellises within the **articulation zone**, and enhancing heritage assets, consideration should be given to the following:

- a) Use of colours found in the region's natural landscape is encouraged to help development relate to the local context.



- b) Buildings should appear to ‘grow’ out of the earth or landscape and should express a sense of weight without appearing excessively bulky. To this end, building facades should be designed as ‘walls with windows’ not ‘window-walls’, and exterior elevations should have a solid/opening ratio of not less than 50%, calculated over the sum of all exterior building faces.

A substantive distinction is encouraged between the streetwall and upper portions of the building. Additionally, elements that create an overlap of the **podium** with the **midrise** or **tower** portions of buildings are encouraged. These elements should have their origins at ground level but should rise above the **podium** to interconnect with the **midrise** or **tower** portion of the building (see Figure b)5). This effect can be achieved through articulation of planes and sub-forms expressed in contrasting materials and colours. The intention is for the streetscape to be the foundation for an integrated vertical building composition, whose base reflects the regional rock and soil, and whose top reflects the agricultural and natural landscapes.

- c) Buildings should emphasize shade from summer sun. Overhangs and recesses of sufficient depth are appropriate. Responses to solar exposure that result in elevations that are distinct from on another, particularly on the **tower** portions of buildings, are essential.
- d) Generous outdoor spaces, including **rooftops** and balconies, allow residents to capitalize on the favourable Okanagan weather and are recommended components.
- e) Techniques and treatments that emphasize the variable transition between inside and outside through the differing seasons are appropriate. These might include retractable windows and overhead rolling doors, as well as canopies and trellises.
- f) Plants should be drought tolerant and should evoke the arid landscape of the Central Okanagan.
- g) Public art, in a wide range of formats, even within the confines of private spaces that are not readily accessed by the public, should be considered as a prime means of regional expression.

## 2.2 Heritage

The retention of historic frontages and the existing human scale of the Bernard Avenue and Water Street streetscapes is a primary means of shaping the community's future by reinforcing its past, as is enhancing the visibility of the Firehall on Water Street.

The public promenades of The Crossing and the Market Green seek to engender neighbourhood pedestrian activity that recaptures this area's intensity prior to construction of the Okanagan Lake Floating Bridge and the arrival of an automobile-oriented culture. In replacing alleys and surface parking lots, the opportunity is created for a wide range of appealing social, commercial, and cultural activity.

Encouragement of complementary urban uses and integration with Kerry Park, the new Sails Plaza, and City Park will reinforce the reclamation of Kelowna's place of origin as a primary gathering place for community life.

Detailed site-specific heritage provisions are outlined in the Downtown Comprehensive Development Bylaw CD 21 and the Sub-Area Guidelines contained herein.

## 2.3 Universal Design

All buildings in this precinct should be designed to address the principles of universal design by meeting high standards of accessible and adaptable design, with particular attention to indoor/outdoor movement.

Additionally, a user-driven approach to the design of public spaces should be employed. In addition to meeting Master Municipal Construction Documents (MIMCD) standards for access by wheelchair users, the design outcomes should incorporate a system of tactile information to meet the needs of individuals with visual impairment including textural and colour contrasting and warning signals and clues related to orientation and wayfinding (referred to as an “Urban Braille” system). Refer to City of Kelowna Guidelines for Accessibility in Outdoor Spaces.



## 2.4 Crime Prevention Through Environmental Design (CPTED)

Beyond the provision of sufficient density to help insure enough “eyes and ears” on the street, established CPTED techniques should be implemented to achieve the goal of safe urban spaces. Special consideration should be given to discouraging or preventing graffiti vandalism.

## 2.5 Green Building Design

While certification of a specific green building standard is not required, each application should reference applicable green building standards and indicate the measures being taken to enhance green building performance.

Any comprehensive sustainability project should be populated by green buildings and correlating infrastructure. Development within the CD zone area should explore opportunities to integrate sustainable infrastructure systems that enhance environmental performance. A green building strategy should address issues including:

- Energy efficiency
- Renewable, clean & highly efficient energy supply (i.e. geoeexchange)
- Solar oriented design
- Indoor air quality
- Green roofs
- Water efficient fixtures

Buildings within the CD zone area should incorporate green building design guidelines that have a universal industry standard. Alternatively, green buildings can be evaluated through green building rating systems which promote flexibility in building design.

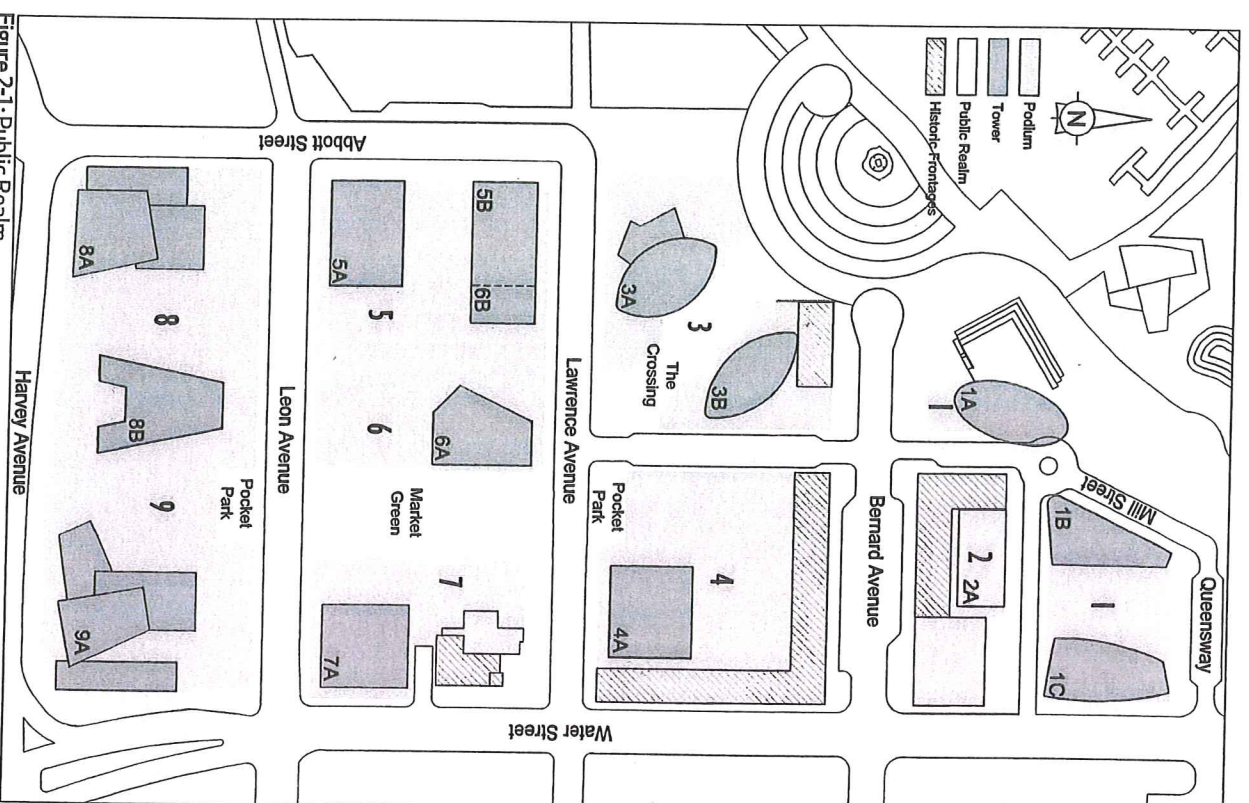


Figure 2-1: Public Realm



## 2.6 Public Spaces

In addition to the existing sidewalks and roadways, the public spaces of this district include the open spaces created through redevelopment. These spaces comprise a variety of property ownership conditions that are to be resolved as part of the amenity bonusing process. They include The Crossing, the Market Green, the pocket parks fronting Lawrence and Leon Avenues, and the spaces demarcated by the colonnades on Abbott Street and Leon Avenue within Sub-Areas 8 & 9. Additionally, Kerry Park and the Salls Plaza, although lying outside the boundaries of the subject area, are integral to the viability of the subject area as a people-oriented urban environment.

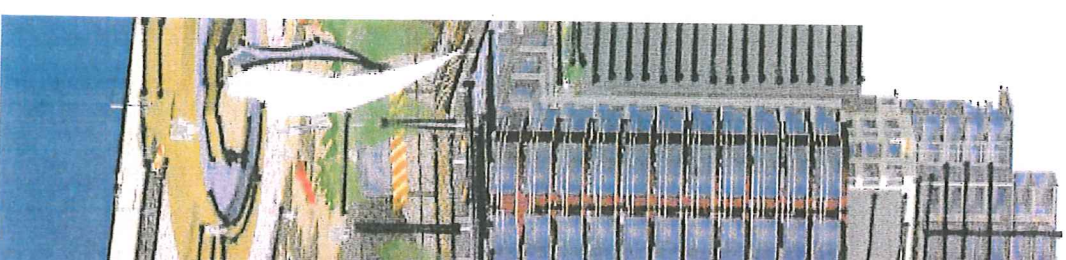
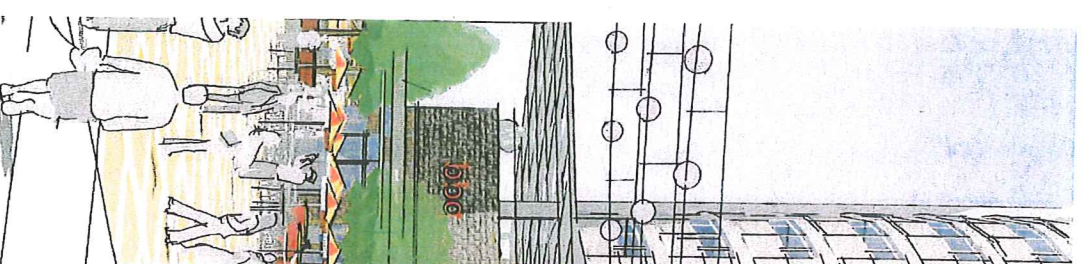
It is essential that these spaces be designed to function in conjunction with any parking below, taking into consideration underground utility locations and any service access requirements. It is also essential that they be designed to support hard and soft landscaping, particularly sufficient soil depths for various plant species.

The guidelines illustrate a preferred configuration of all the public spaces. A particular emphasis is to create environments that are amenable throughout the four seasons. Public spaces should be designed to feel physically and psychologically comfortable in the off- and shoulder seasons, as well as to support the intense urban activity of summer. Attention should be given to opportunities for social interaction including formal and informal seating, weather protection, and accommodation of programmed events.

This open space network should be designed to maximize the comfort of pedestrians. To this end, optimization of solar exposure of public spaces, and creation of the appropriate balance of natural and built weather protection should be a major design objective.

The siting and configuration of buildings adjoining public spaces are key to the definition of the public realm. In addition to the dimensional parameters set out in the General and Sub-Area Guidelines, the design of the **streetwall** and **articulation zones** should positively reinforce the creation of dynamic public spaces.

Detailed plans regarding the construction of any proposed public space should be prepared in conjunction with the Development Permit required for the approval of each phase of development. These plans will be necessary to meet a high standard of urban design, consistent





with the guidelines set out in this document. It is envisaged that a principally hard-surface treatment will be applied throughout the subject area as a means of enhancing the connectivity of places and activities. The City of Kelowna wayfinding program should also be extended throughout the subject area as part of the implementation of public spaces.

To shape the vision of these plans an 'Okanagan Trellis' concept has been identified to engender a family of related urban design elements throughout this district. This concept is intended to be an idea of continuity that will create elements of distinction for placemaking to support commercial and community activity.

## 2.7 Building Siting and Massing

In achieving high-density development, the urban quality, and thereby walkability of the streetscape should be enhanced. To this end, consideration should be given to the penetration of light and the provision of shade within the public realm, and to the provision and protection of vistas through the district's skyline. Buildings should be located and shaped accordingly.

The continuous vertical extension of the **streetwall** in a dense mat of closely spaced **midrise** buildings would not facilitate integration of indoor and outdoor spaces that is key to Kelowna's urban livability, because it would prevent the penetration of sunlight to both public and private spaces. Tall and slender assemblages of well-spaced building forms are therefore encouraged, and building forms should generally be sited as illustrated in Figure 2-2.

### 2.7.1 Solar Access and Screening

**Towers** should be located to optimize solar access for the public realm between May and September, with particular consideration to solar access in the shoulder seasons.

A computer-generated sun/shadow study is required for those buildings greater than 5 storeys in height. While shadowing will inevitably occur, the following places are those for priority of sunlight access, where the sweep of a building's shadow should be mitigated:

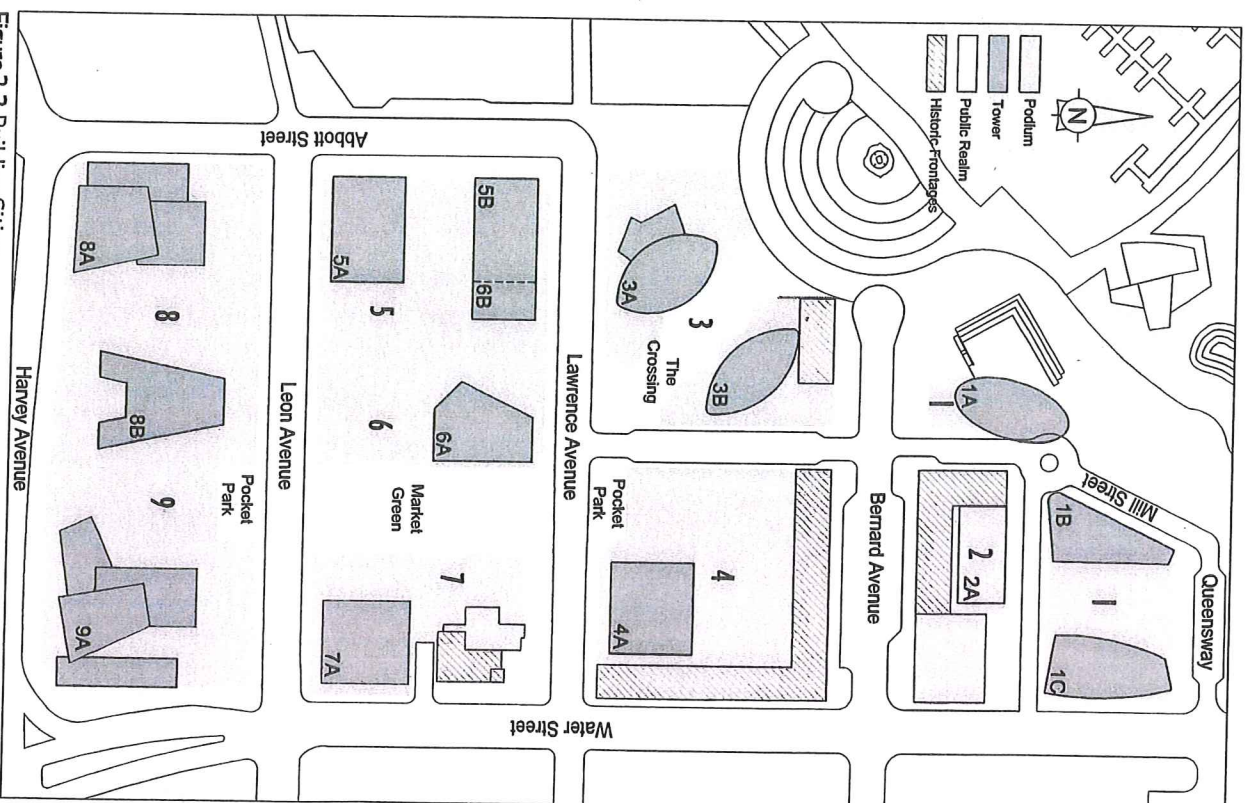
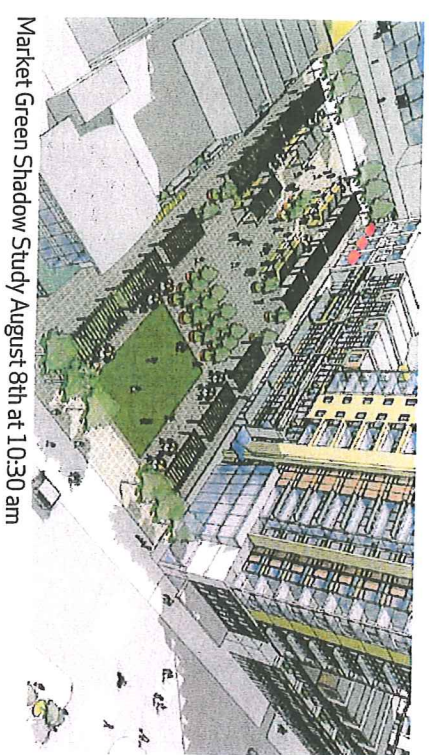


Figure 2-2: Building Siting

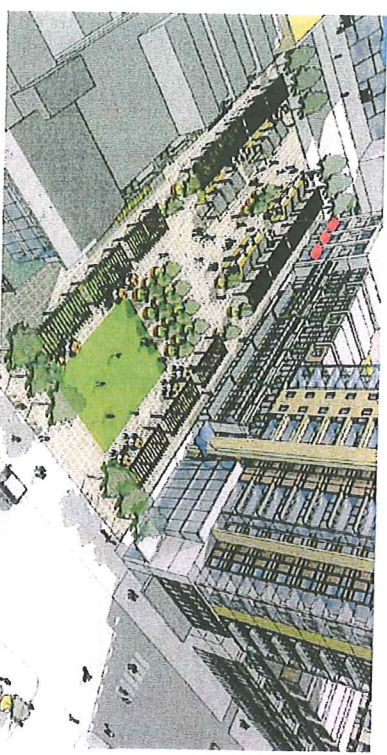
- i) The Market Green 8 am - 2 pm
- ii) Lawrence Avenue Pocket Park 8 am - 2 pm
- iii) Bernard Avenue 3 pm - dusk
- iv) Stuart Park 3 pm - dusk
- v) Kerry Park 1 pm - dusk

## 2.7.2 Tower Orientation

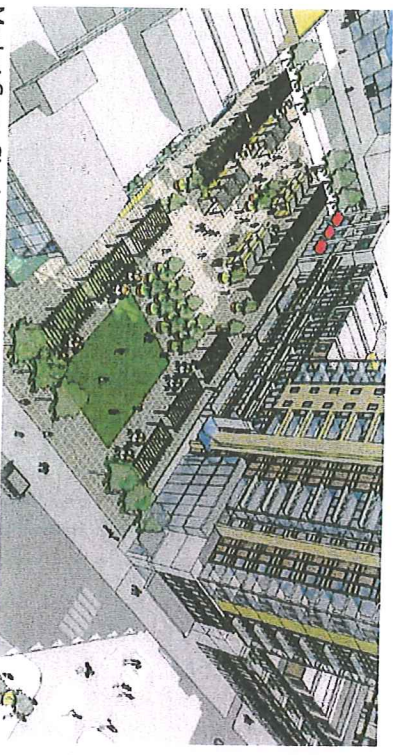
In addition to maintaining solar access, towers should be sited, shaped and oriented along their longer axes generally as shown in Figure 2-4 in order to enhance the views to and through the skyline.



Market Green Shadow Study August 8th at 10:30 am



Market Green Shadow Study August 8th at 01:00 pm



Market Green Shadow Study August 8th at 03:30 pm

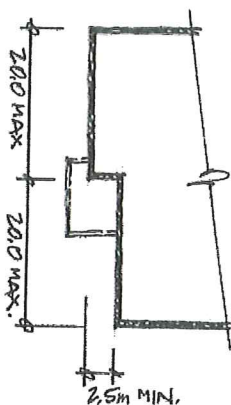


# 2.8 Tower Forms

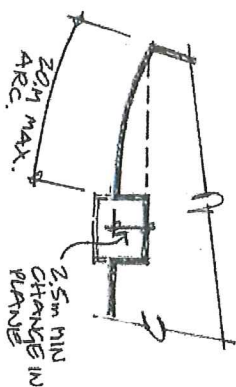
In addition to the site specific building setbacks outlined in the Sub-Area Guidelines, the following guidelines apply throughout the Development Permit area.

- a) Noting their prominent identity in the regional landscape, and the importance of slenderness in improving solar access, building tops should be integral elements of the overall building form and expression. They should be conceived as 'peaks of livability' rather than 'top hats', in that upper floor decks and terraces should be provided and designed for active use (see Figure 2-4). Tower tops are encouraged to include trellising and roof projections that are integral extensions of the building structure and contain substantial landscaping.

- b) Tower facades are intended to be perceived as assemblages of overlapping vertical forms (see Figure 2-5). Facade planes should be generally restricted to 15m in width. Abutting planes should be distinguished by 1) changes in materials and/or 2) changes in depth, i.e. setback from the property line, and/or 3) detailing, e.g. a reveal, a structural element, or an intervening/transition material. Where frontages longer than 20m occur, they should be articulated with a change in plane of at least 2.5m in depth.



- c) Ovoid tower forms may satisfy the intent of this guideline by being comprised of longitudinal arcs of no more than 20m in length that are a minimum of 2.5m in segment depth, punctuated by substantially recessed balconies.



- d) The intent is for the architecture to express a slender verticality, particularly in its upper elements. Except for towers 1B and 2A, at each building greater than 44m in height, a slimming of the upper

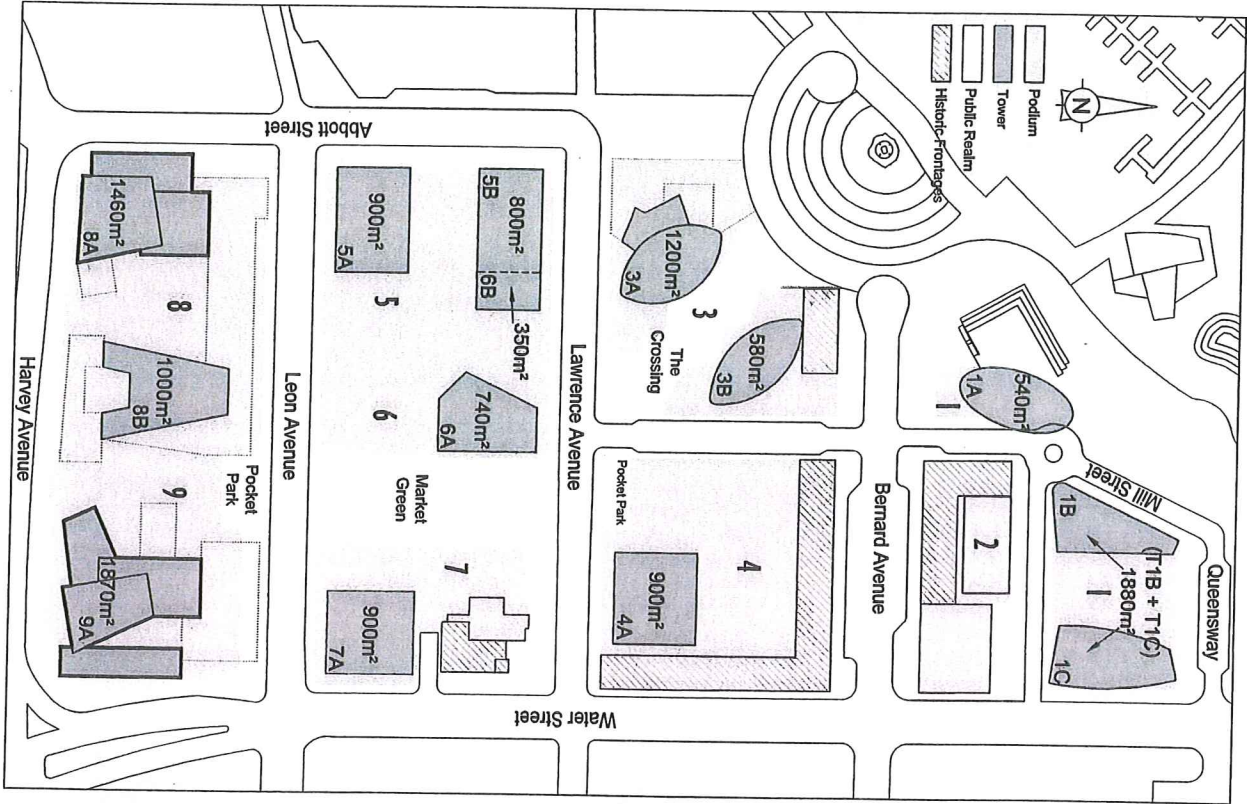


Figure 2-3: Maximum Tower Floor Plate Areas in sq. m.



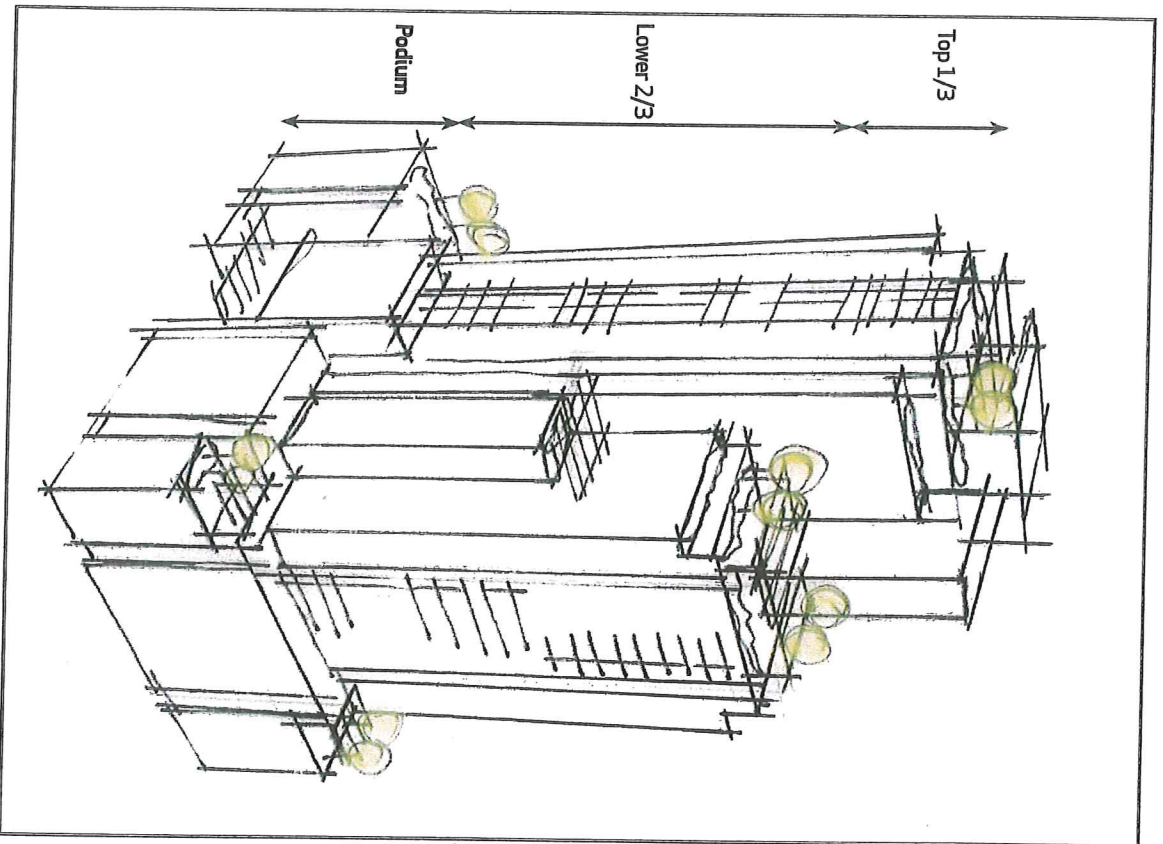


Figure 2-4: Tower Tops

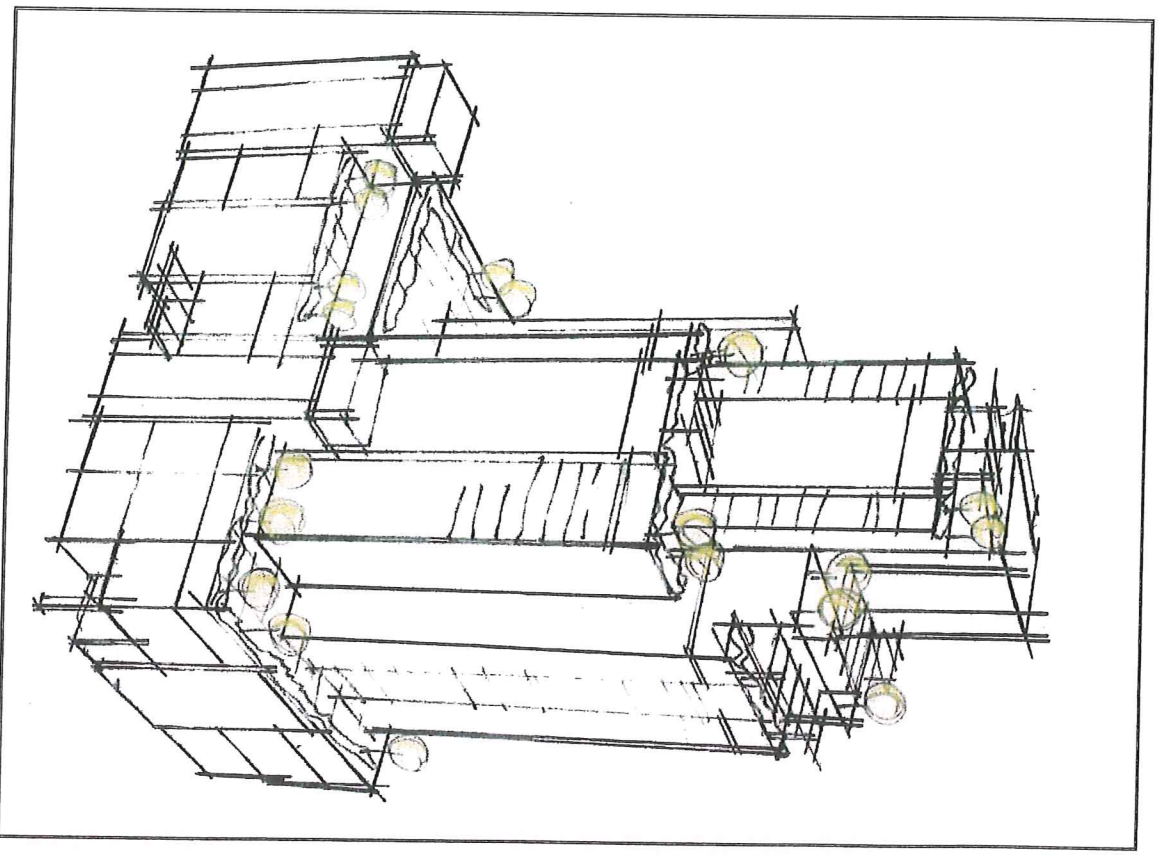


Figure 2-5: Overlapping Vertical Forms

floor plate is suggested as follows: the average floor plate of the top third of those storeys of a building above 22m should not be greater than 75% of the average floor plate of its lower storeys above 22m.

- e) Continuous, homogenous building treatments that tend towards the perception of a monolithic building massing are strongly discouraged.

## 2.9 Setbacks and Building Spacing

In addition to the site specific building setbacks outlined in the Sub-Area Guidelines, the following guidelines apply throughout the Development Permit area.

- a) The **streetwall** should contain limited setbacks. Variations in building setbacks are acceptable where they do not weaken the spatial definition of the street.
- b) Residential uses located up to 22m in building height should have a minimum 12m spatial separation from facing buildings; with the exception that this may be relaxed to 8m, where an unobstructed separation is provided for a minimum 16m along a horizontal angle of 45 degrees or greater, from windows of habitable rooms.
- c) **Towers** should have a minimum 25m separation from any other **tower**, with the distance between buildings measured from the nearest vertical plane on each building, not including balconies. This minimum distance applies to buildings within the same development, or on any adjoining development within or outside the subject area.
- d) Relaxation of **tower** separations should only be considered as noted in the Sub-Area Guidelines, where other design features may mitigate a closer spacing.
- e) The **streetwall** above the 3rd storey (or 12m in building height, whichever is the lesser) should generally step back a minimum of 4m from any adjoining sub-area boundary, with the exception that up to 25% of each frontage may project into this setback up to a

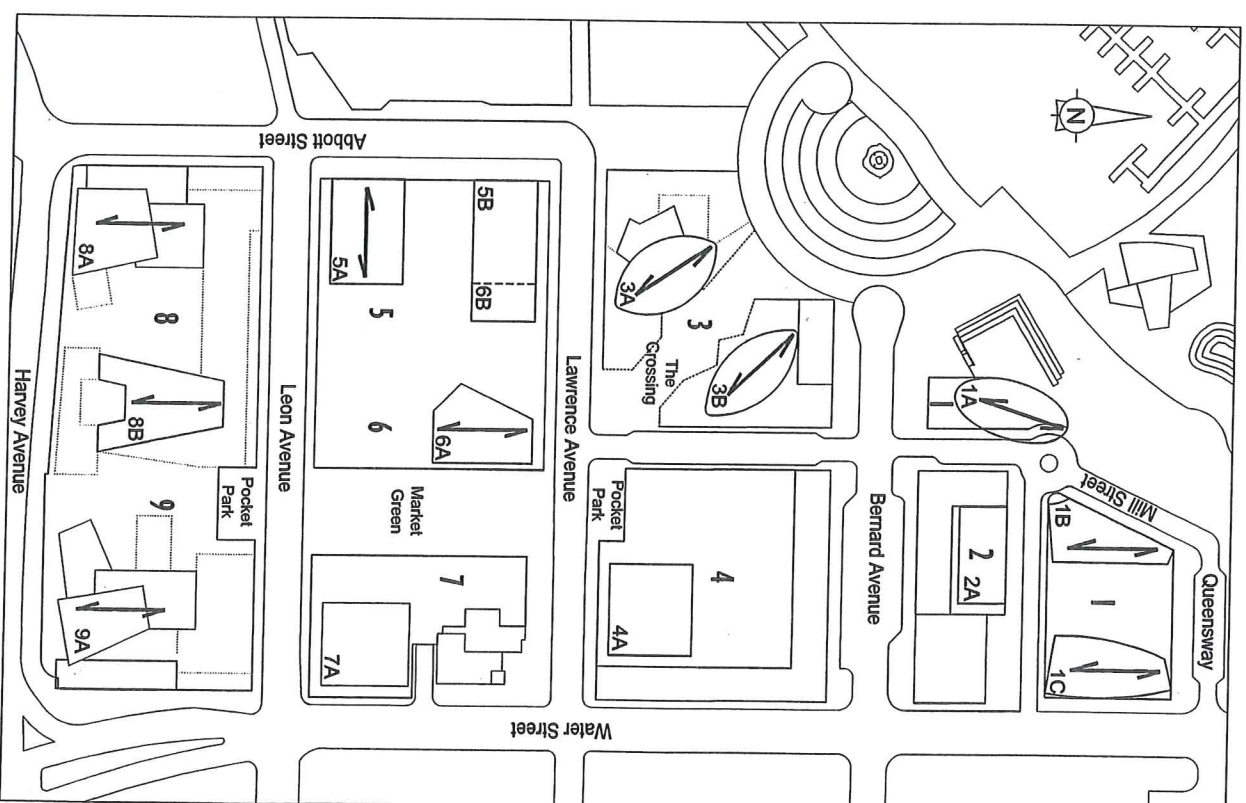
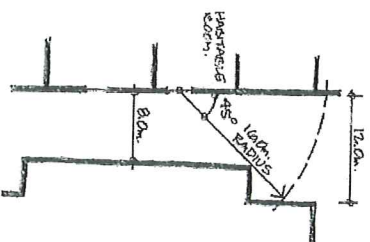


Figure 2-6: Building Orientation Plan



maximum building height of 15m. This enables opening up of the light angle to the public realm and opportunity for indoor/outdoor activity at upper levels, while encouraging interlocking architectural forms that enhance the human scale of the public space enclosure.

## 2.10 Building Heights

A maximum building height for each sub-area is specified in each Sub-Area Zoning Schedule, which height may be reduced in accordance with the application of the guidelines. For the purposes of improving the relationships with other buildings, and with the adjacent public realm, further dimensional criteria have been developed in the Sub-Area Guidelines. These detail the recommended maximum heights, recommended maximum floor plates, and the general location of each building portion above 15m in height.

## 2.11 Streetwalls

### 2.11.1 Definition of Street Edges

- a) Buildings should be sited adjacent to the property line along the edges of all streets and other public spaces except as indicated elsewhere in these guidelines.

### 2.11.2 Occupancies

- a) **Retail** occupancies that are open over extended hours of the day, e.g. cafes and restaurants are essential to active, people-oriented streets. Building owners are therefore encouraged to provide such occupancies at grade.
- b) **Retail** occupancies should be provided at ground level along 90% of all street frontages, including the perimeter of public spaces. These occupancies should have a minimum depth of 5m at any level of any building **podium**, except as noted below.
- c) All above-grade parking should be buffered from the street by commercial or residential occupancies. Parking areas that are visible from the street or from any interior or exterior residential or commercial space, are not recommended. Where parking areas are visible from a street or from any residential occupancy, the

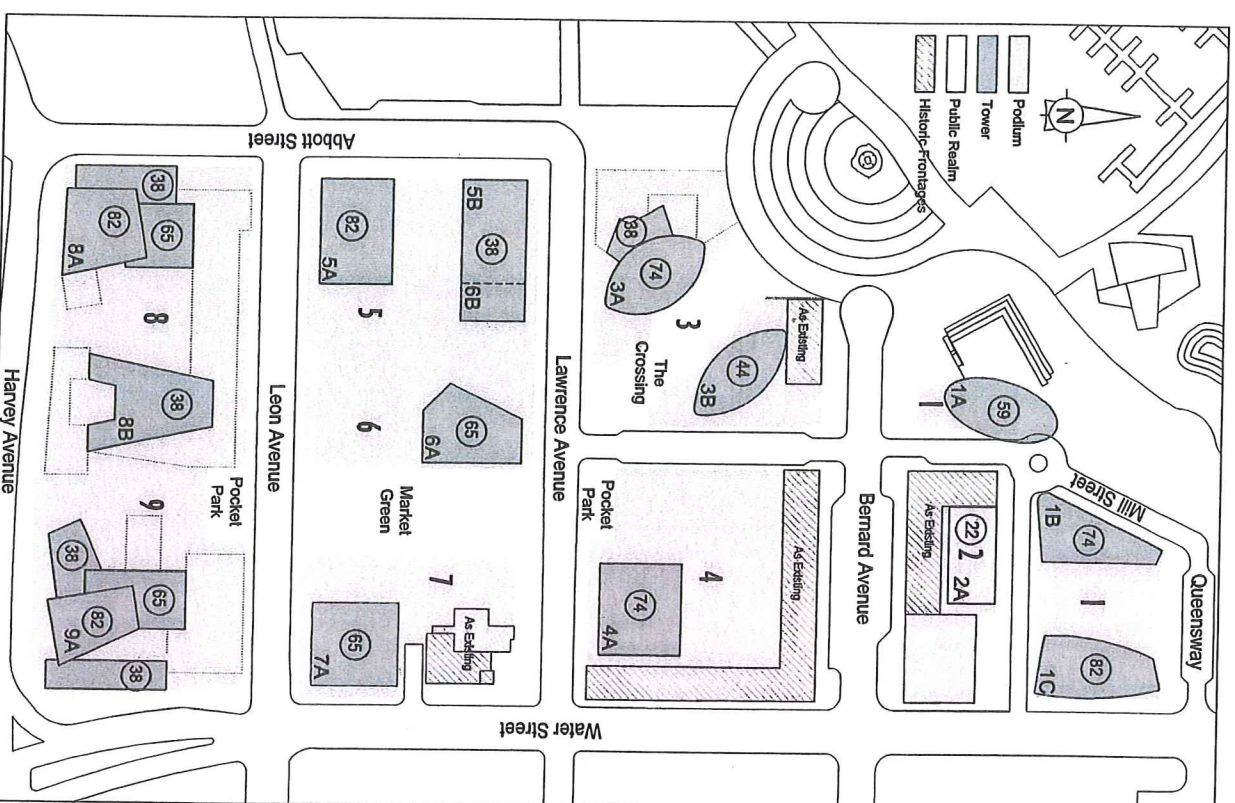


Figure 2-7: Maximum Building Heights in metres, inclusive of Podium plus Tower height

provisions of these guidelines with regard to the articulation of streetwalls should apply.

### 2.11.3 Human Scale

- a) The **streetwall** should demonstrate a high degree of human scale. This can be achieved principally by giving emphasis to doors and windows and other signs of human habitation relative to walls and building structure. It can also be achieved through appropriate choice of materials and detailing of surfaces, as well as through provision of appropriately-dimensioned transition spaces.
- b) Exterior elevations should provide high levels of visual interest. Extended areas void of visual interest and references by which to gauge human scale, i.e. blank walls, are strongly discouraged, including party walls exposed to public view as a result of the phased build out of a sub-area.
- c) Treatments that result in flat walls are discouraged. Facades should be articulated with the aim of creating shadows through indentations and projections of elements within a facade composition, e.g. windows and doors, cornice lines, pilasters, balconies, and/or bas-relief detailing.

### 2.11.4 Street Rhythm

- a) The **streetwall** should be designed to reinforce the grain of the area's traditional subdivision pattern of 15m frontages, through the expression of structure and variation in wall planes that break down any impression of a monolithic edge.
- b) Buildings facades should have a balance of vertical and horizontal proportions. Vertical accents should occur on a regular basis to reinforce a pedestrian-scaled street rhythm. Vertical proportions are preferred for windows. Horizontally-extended glazed areas should be subdivided into vertically-proportioned windows separated by mullions or building structure.
- c) Portions of buildings at corner locations or at inflections or terminations of vistas should be designed to induce pedestrians to explore the continuum of urban and park walkways.



Example of human scale street



Example of building that demonstrates street rhythm



## 2.11.5 Vehicular Requirements

- a) Accommodation for a vehicular drop off point at building entrances for persons with disabilities should be considered.
- b) All required parking should be located within buildings structures.
- c) The number of access points to structured parking should be minimized. Shared access is encouraged to help minimize the number of access points.
- d) The maximum width of garage door openings should be 7 m.
- e) Exits from parking structures should allow a high level of visibility of approaching pedestrians.
- f) Other than for hotel drop off that may justify a modification to the curb lane/sidewalk to accommodate peak hour traffic, **port cocheres** are not encouraged.
- g) Doors and entrances to parking should not terminate views down a street.
- h) Any passenger drop-off areas located on private property should be treated such that pedestrians and vehicles have equal status. Rather than a utilitarian asphalt treatment, the surface should offer visual interest, i.e. stamped concrete, concrete pavers, etc., such that the space takes on more of an entry plaza quality. Curbs can be eliminated and bollards can separate vehicle and pedestrian movement as necessary.
- i) Garage entrances should be architecturally integrated into the overall building design with street level exterior finishes wrapping into the openings for a minimum of 3m in depth. Doors to parking garages should have an architectural treatment that is primarily expressed as an opaque or semi-opaque door rather than an open screen. Open screens are acceptable if highly detailed and rich in visual interest.

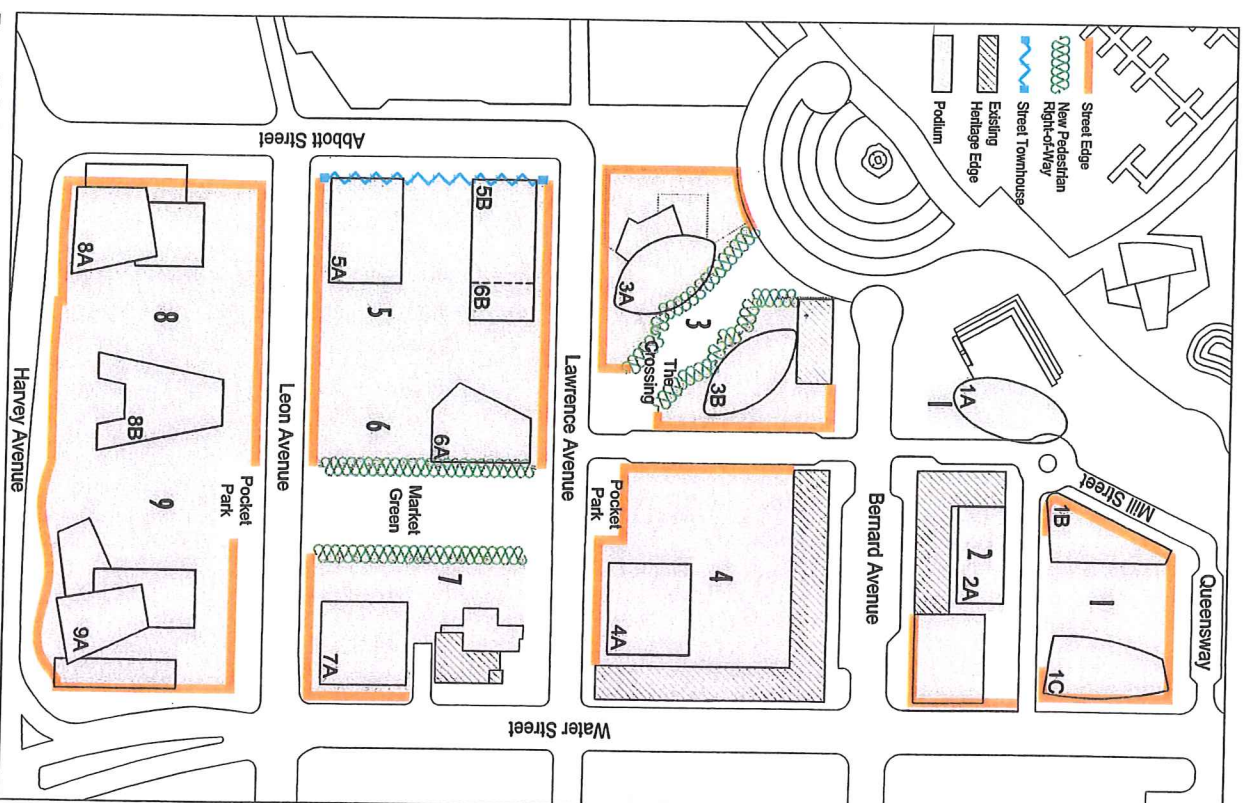


Figure 2-8: Street Edge

## 2.12 Articulation Zone

The key components within this zone should be expressed in a manner that contributes to a rich urban experience as addressed in more detail below.

The integration of indoor/outdoor activity is accomplished through 'weather responsive' building elements (over and above building envelope enclosure).

- a) It is intended that a trellis system within this zone incorporate vine species that contributes to an Okanagan landscape of urban agriculture. This system should also provide for rain protection, a balance of solar access and shade, lighting, and signage in a manner that enhances the interface between indoor and outdoor activity.
- b) To maintain a cohesive street edge, setting back more than 15% of the building frontage behind the articulation zone is discouraged.
- c) A continuous path of public access of a minimum of 0.9m in width should be maintained at all times along each street and right-of-way frontage.

### 2.12.1 Entrances

- a) Entrances should be easy to identify from the street. Entrances should also present an inviting face to the street, as well as make the act of entering a premises a comfortable and welcoming experience through attention to details such as proportions, materials, texture, and lighting. Visual cues should be used to separate the public realm from the private realm.
- b) Entrances are encouraged to be recessed within the streetwall to provide welcoming transition zones between indoors and outdoors.
- c) Canopies, awnings, and marquees can also be used to identify the principal entrance to a building or business, and to help create a transition between interior and outdoor spaces.
- d) Commercial uses at street level should provide entrances at an average spacing of not more than 15m of linear building frontage. A corner entrance may count as an entrance on each frontage, i.e. as two entrances.

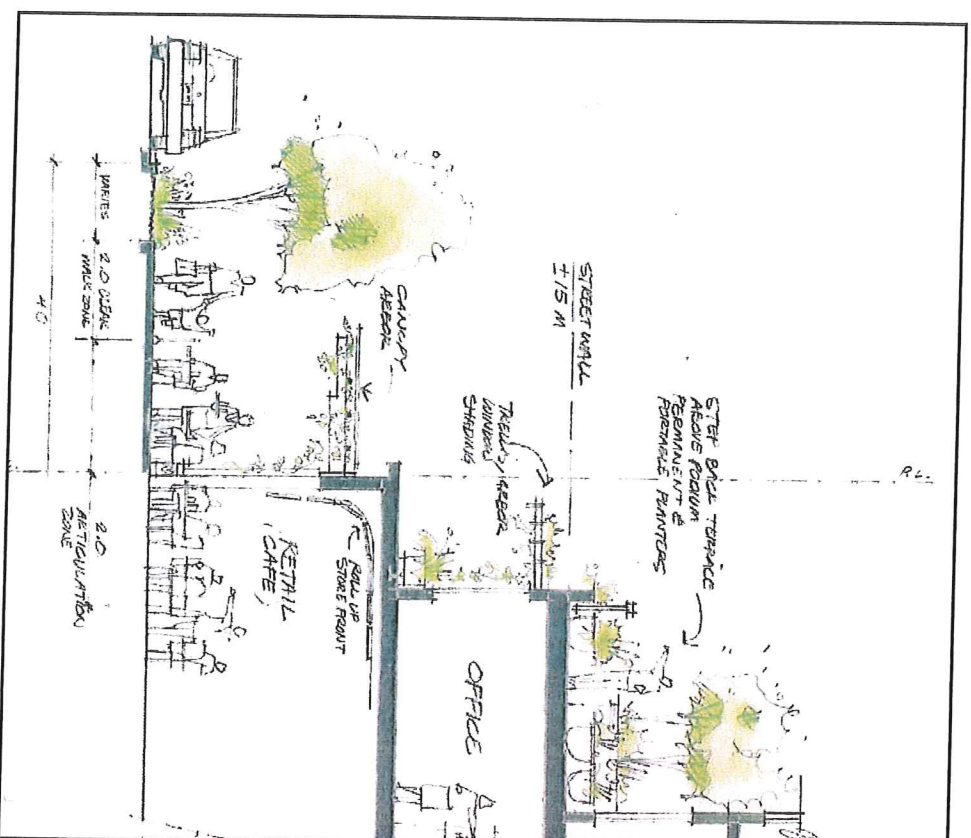


Figure 2-9: Articulation Zone option with double height grade level & recessed portal



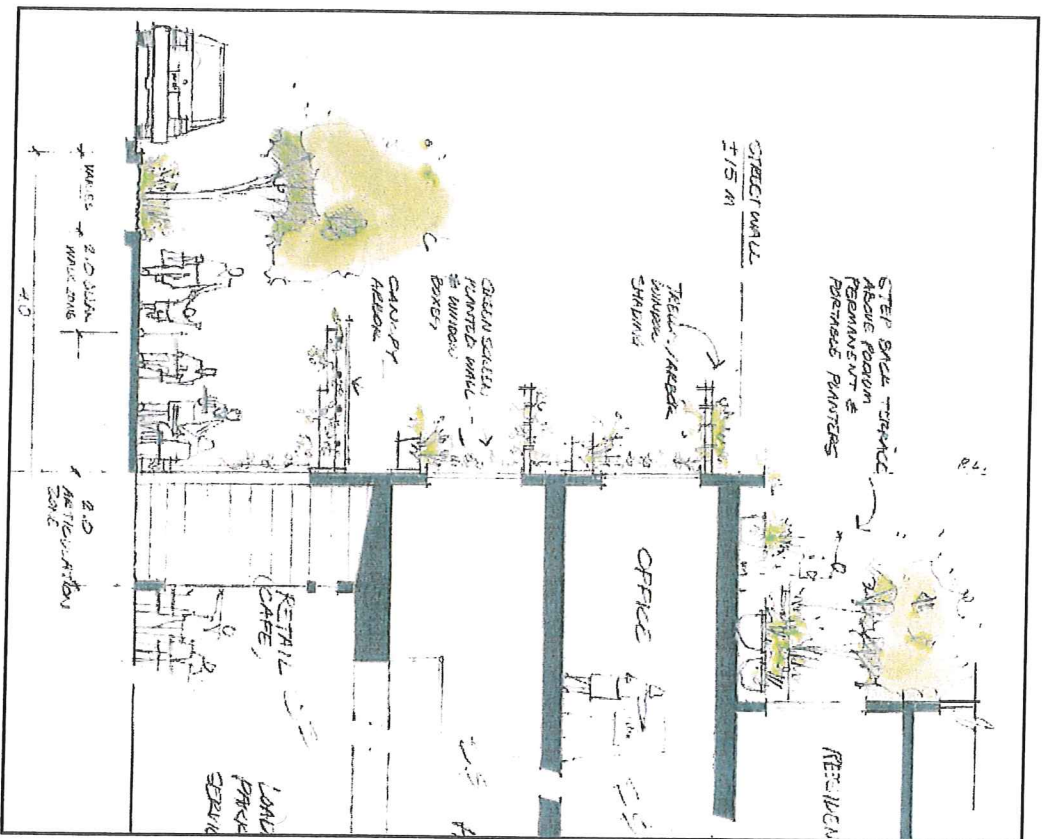


Figure 2-10: Articulation Zone option with terraced streetwall & demountable grade level frontage

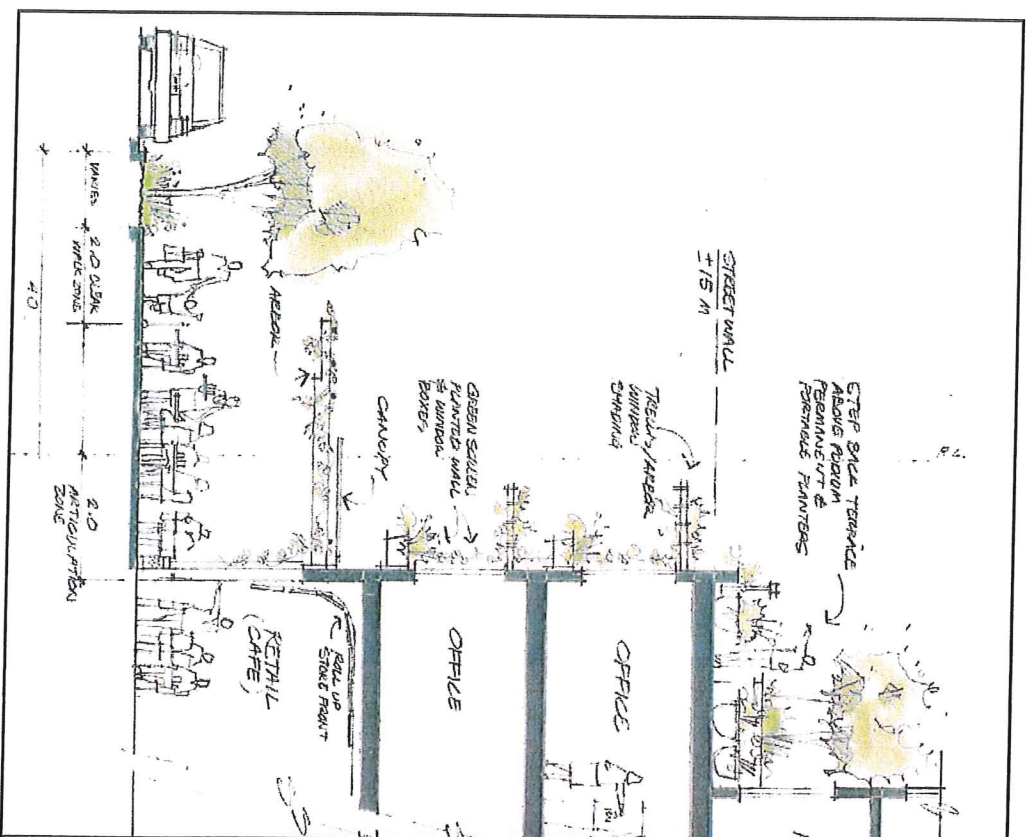
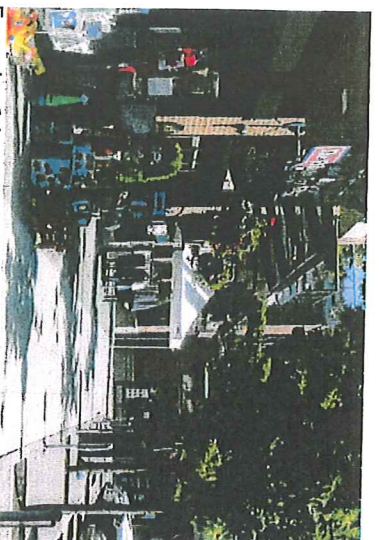


Figure 2-11: Articulation Zone option with maximum streetwall enclosure



## 2.12.2 Windows and Transparency

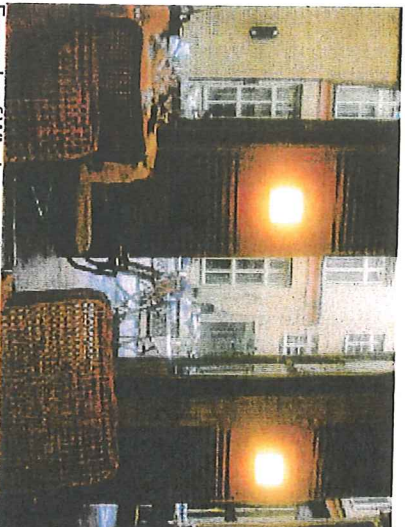
- a) Buildings should be easy to see into from the adjoining street. However, achieving a high degree of transparency should not preclude use of mullion patterns that add visual interest and human scale to the building.
- b) Window treatments that preclude views into building interiors are discouraged. This particularly applies at the lower levels of the streetwall, and includes obtrusive window security grates, glass block, and dark tinted and reflective glass.



Example of the articulation zone at grade level.



Example of a Building entrance



Example of Windows and transparency

### 2.1.2.3 Weather Protection

- a) Weather protection in the form of awnings, canopies, overhangs and building setbacks, and/or landscaped trellises should be provided on a minimum of 75 percent of the length of any commercial building facade.
- b) Continuous landscaped trellis systems, following the precedent of the walkway to the Rotary Centre for the Arts, are encouraged to visually express an architecture of Okanagan agriculture. These can be complemented by movable awnings and canopies as well as building overhangs.
- c) Canopies and awnings should not be a predominant feature of a building facade and should not create visually- predominant horizontal proportions. They should not be continuous across vertical elements such as pilasters and should not wrap around corners.
- d) Awnings should relate to the width of windows or entrances situated below, and should not span a continuous distance of more than 4m. Novelty-shaped, combination geometry, quarter-vault, and convex awnings are not preferred. Steep pitches are acceptable. Open and closed-ended awnings are also acceptable.
- e) Awnings should be a matte, not glossy finish. Vinyl and plastic finishes are discouraged. Backlit translucent coverings are discouraged.
- f) Canopies and awnings should not project more than b)5m into the public right-of-way.
- h) Awning and canopy colours should complement the colours of other facade materials and finishes and not be fluorescent in color. Light lettering on a dark background is preferred to dark lettering on a light background.
- i) Steel or aluminum awning frames should be painted a matching or complementary colour to the awning or building, or painted black.
- j) Discreet signage on a canopy or awning is encouraged rather than an awning dominated with lettering and/or images and graphics.

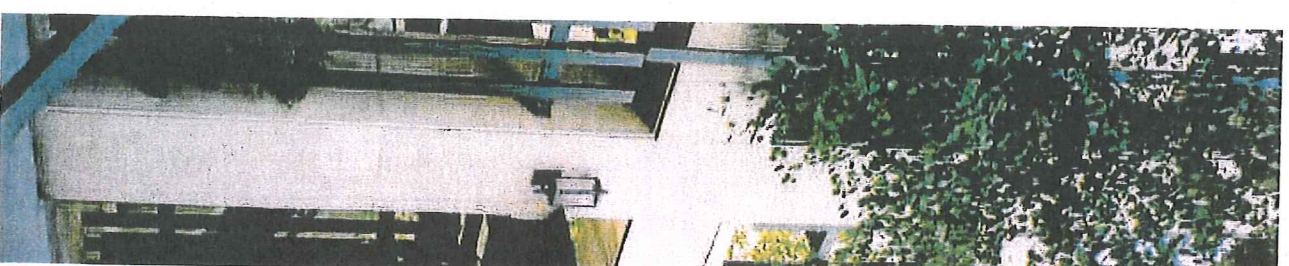
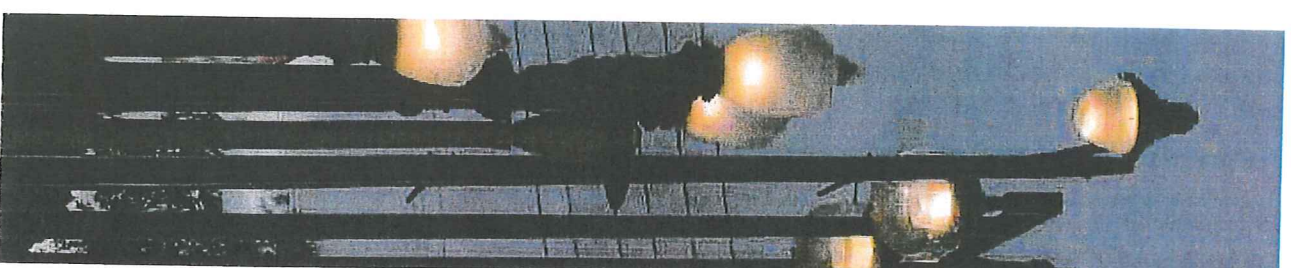




- k) The soffits of any portion of a building within 15m of grade and exposed to public view should be treated to provide visual interest and show attention to detail.

## 2.12.4 Lighting

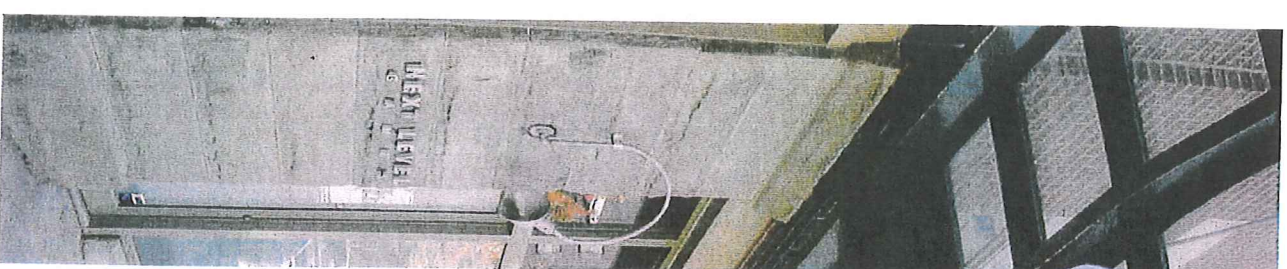
- a) All exterior street lighting should follow the International Dark Sky Model code in order to limit exterior light pollution and save energy. Lighting should not contribute to glare. This should be accomplished through use of full cut-off or low wattage luminaires. Designs should also incorporate shielded fixtures and/or mounting heights, as well as be aimed appropriately to minimize glare to humans, as well as flora and fauna.
- b) Lighting should be designed for high quality environmental performance, and promote public safety. (Reference CPTED Guidelines)
- c) Lighting on buildings should have an appealing warm glow. Cool white colour renditions producing a blue spectrum light are discouraged.
- d) Light fixtures, if exposed to views from streets, should add daytime visual interest and human scale to a building, as well as help accentuate the rhythm of the building along the street. Illumination should be planned as a key element in a facade's design with consideration for the effect on the facade, the adjoining street, and on neighbouring businesses.





## 2.12.5 Signage

- a) Concise messages and simple graphics are encouraged. Extraneous information such as sub-text, including product descriptions, should be minimized. Corporate and store logos are encouraged if they form part of an overall sign design, and are appropriately scaled to the facade composition. Signs that incorporate a store name with that of a national distributor are discouraged.
- b) The size of any individual sign should take into consideration the overall scheme of building signage and the appearance of the building's facades. Ultimately, the scale and visual qualities of a building should not be compromised by the size and number of signs.
- c) The design of any sign should be logical and simple. Signage should not attract attention to the extent that a sign becomes the dominant feature of a facade. Signs that extend over large areas are discouraged.
- d) All signage should principally be pedestrian-oriented. Signs should be placed in a location free of obstructions, and be legible from the sidewalk.
- e) Prominent and colourful signage creating a rich visual character is encouraged to enhance an overall festive ambience. However, illuminated signs in fluorescent colours are discouraged.
- f) Signs should be made of durable, weather-resistant materials, and be professionally fabricated and installed.
- g) Opaque signs should be lit by lights mounted on the face of the building. Projecting signs can also be lit by lights mounted on the projecting sign assembly. Consideration should be given to the visual quality of the fixtures that hold such lighting. Signs composed of three-dimensional letters can be back lit.
- h) Box signs are strongly discouraged.
- i) Awning signs should be limited to the front of the awning valance. Letters should not be more than 75% of the valance height to a maximum of 40cm. The sloping portion of an awning is best left plain, but a discreet logo or restrained lettering is not inappropriate for that portion.

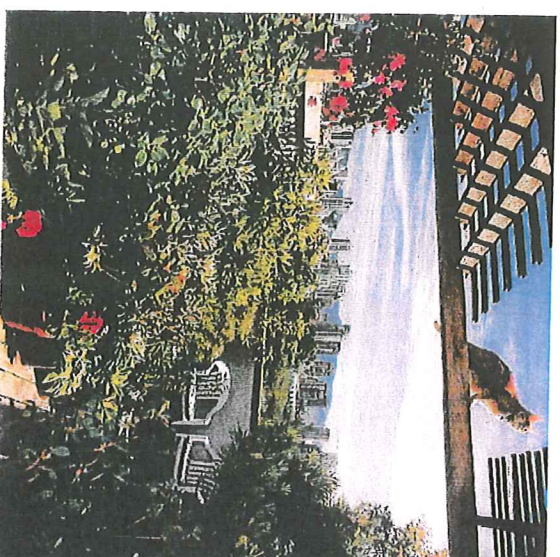




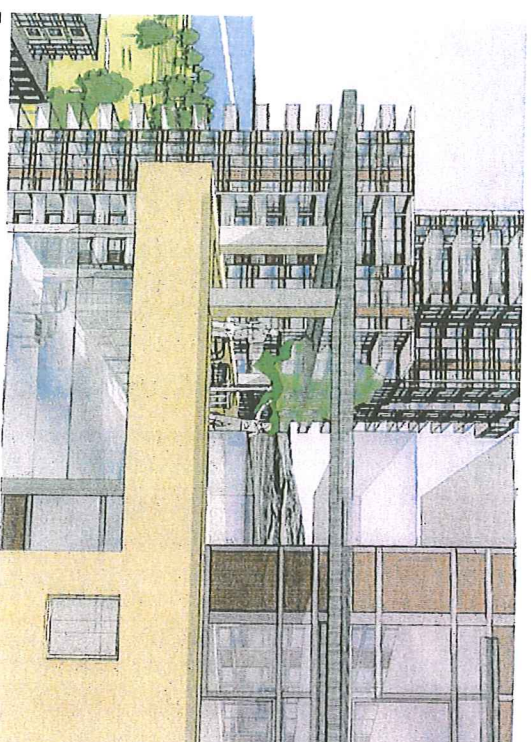
- j) In all instances, light lettering on a dark background is preferred to dark lettering on a light background. Consideration should be given to the creation of signage that works for those with visual impairment.

## 2.12.6 Rooftops and Balconies

- a) Balconies should be considered as outdoor rooms rather than as appendages to a building's mass or principal form and are encouraged to be recessed a minimum depth of 1m within the adjoining building face.
- b) Balconies should have a minimum width and depth of 2.1m.
- c) Balconies are encouraged to be framed as active outdoor rooms with outer posts to support overhead shade structures, or vertical elements that about the underside of any balcony immediately above.
- d) Elements such as gazebos, trellises, and pergolas and other forms of hard and soft landscaping including opportunities for vegetable gardening should be provided to enhance the visual interest and the usability of rooftop spaces, and should be attractive when viewed from above. Roof decks dedicated to parking should also be enhanced with hard and soft landscaping to enhance the aesthetic quality of views from above.
- e) Vents, mechanical rooms, mechanical equipment, and elevator penthouses should be integrated with the architectural treatment of the roof, or be screened with materials and finishes compatible with the building's design.
- f) Large, flat expanses of roof, whether actively used or not, should be enhanced with texture, colour, and/or landscaping where visible from habitable spaces above.
- g) **Rooftops** designed as active outdoor open spaces are encouraged, and should be designed to withstand the weight of mature trees and plantings.
- h) **Rooftops** should be designed to reduce energy use and are encouraged to incorporate green technologies.



Example of active rooftop garden



Example of balconies and rooftops design

### 3.0 SUB-AREA GUIDELINES

The following guidelines are specific to the nine sub-areas described in Figure 3-1:

- a) **General Design Criteria:** highlight the overall urban design objectives for each block.
- b) **Guidelines:** describe site specific issues that are to be addressed.
- c) **Dimensional Parameters:** identify the dimensions that should be adhered to in the development of the architectural design for any building, and these are detailed for each individual sub-area.
- d) **Heritage Considerations:** are issues identified for consideration with respect to specific sites within sub-areas, and are in addition to the dimensional parameters and by-law provisions that also apply.

The shaded areas on the Sub-area guideline site plans are labelled as 'conforming plan outline'. They show one example of a podium and tower configuration that conforms to the dimensional parameters for each sub-area. They are intended to illustrate the scale and general relationships between buildings and the public spaces. While providing a visualisation of building form and character, these and the other illustrations in these guidelines are not intended as a prescriptive representation of the final form of development.

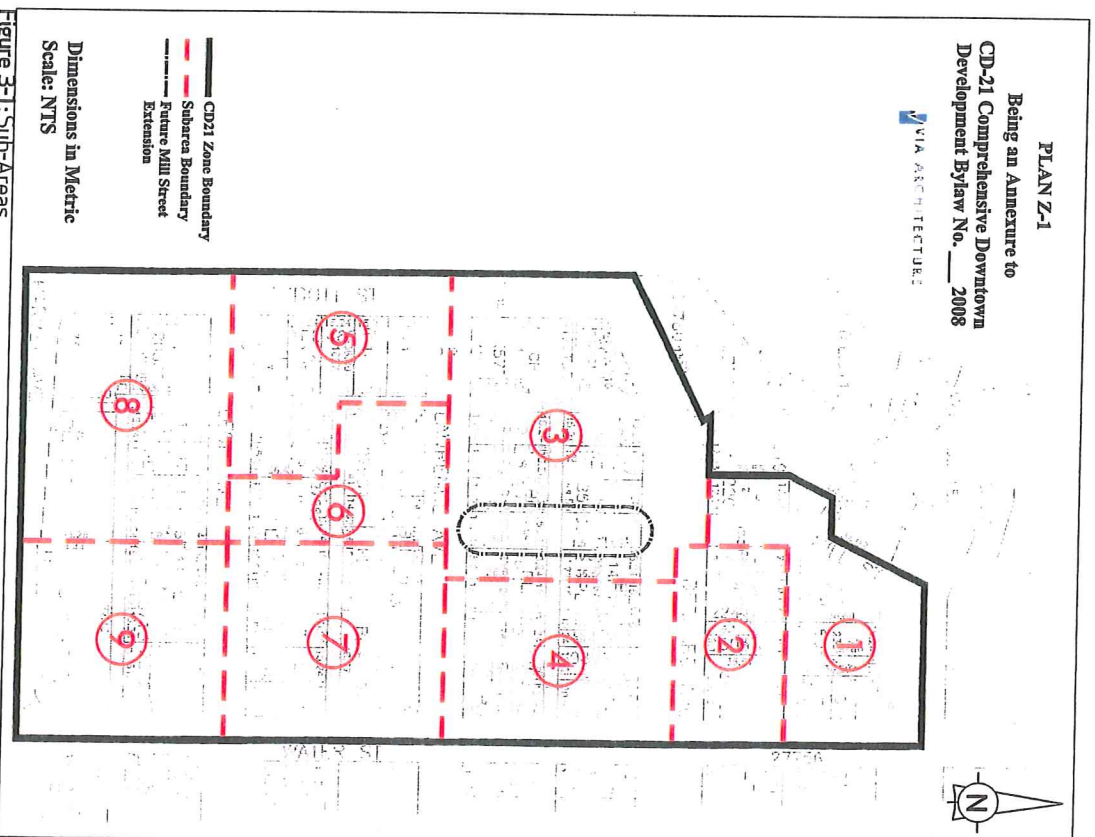


Figure 3-1: Sub-Areas



## 3.1 Sub-Areas 1 & 2

### 3.1.a General Design Objectives

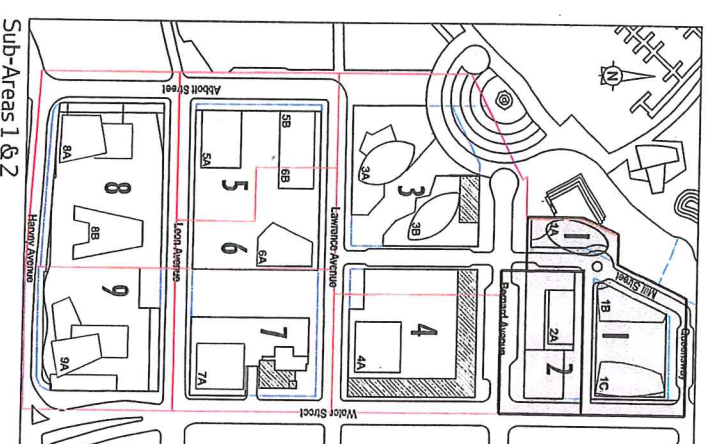
- To maintain the historic streetscape scale of Bernard Avenue.
- To create active commercial frontages that link with Stuart Park and the Cultural District and extend Bernard Avenue to the lakefront.
- To provide a visual/architectural backdrop to Kerry Park and the Sails Plaza.
- To reinforce Kerry Park and the Sails Plaza as community focal points.
- To provide optimum opportunity for a well-functioning hotel site.

### 3.1.b Site Specific Criteria

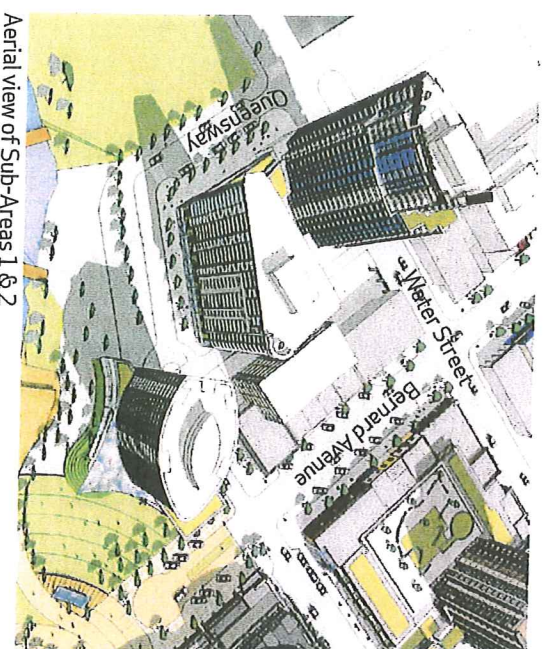
- The ground-level **podium** spaces should be designed to suit occupancies that engage the public throughout the day and seasons.
- The **tower** on site 1A is anticipated to be used for a hotel. This land use is permitted in any sub-area of CD 21, but it has a limited economic feasibility to support the capital cost of new development, and traffic servicing requirements may conflict with the required vehicular flows. The guidelines therefore focus on encouraging hotel development in Sub-Area 1 in conjunction with related ancillary community-oriented commercial uses and amenities.

It is expected that any hotel development will need to interconnect with Site 1B/C or Sub-Area b)

- A **tower** form west of Mill Street with a connecting bridgeway to conference and service functions on the east side of Mill Street is anticipated.  
  
To enable this option, portions of Mill Street may be overbuilt with the following provisions:



Sub-Areas 1 & 2



Aerial view of Sub-Areas 1 & 2

- A clearance of at least 8m above Mill Street;
- A maximum width of 12m for any hotel floors spanning Mill Street.

ii) The podium for Tower 1A should include:

- A grade level courtyard serving a family-oriented restaurant;
- A public terrace located on the second level of the hotel overlooking the Sails Plaza and Okanagan Lake. This public space should be designed to provide a micro-climate that will extend comfortable use of the space throughout the year.

c) The street frontage along the north side of Bernard Avenue is anticipated to remain substantially as existing, with provision being made for infill development should properties be consolidated. Even without comprehensive redevelopment, it is encouraged that infill development take place in the rear of the properties, particularly in conjunction with expanding commercial connectivity north from Bernard Avenue.

### 3.1.c Dimensional Parameters

These guidelines are to be used in addition to the regulations of the Sub-Area Zoning Schedules.

#### 3.1.c.1 Sub-Area 1

##### 3.1.c.1.1 Configuration

- Building siting and setbacks should conform to Figures 3.1-1 to 3.1-3.
- To serve the vehicular transportation needs of Sub-Areas 1 & 2, it is anticipated that a traffic circle could be implemented, pending further study. If implemented, it will be necessary for the podiums associated with 1A, and 1B / 1C to respond in plan to the configuration of the traffic circle (see Figure 3.1-1).
- All passive uses at or above grade should be screened behind active uses that have a minimum depth of 8m fronting on to Queensway Avenue and Mill and Water Streets.

d) Parking access points should be restricted to the west side of Mill Street or from the lane.

e) Parking uses on site 1A should not be located at or above grade, with the exception of one entrance to underground parking.

f) It is expected that any hotel service functions will need to be located along the Kerry Park side of the podium so that active uses can front onto Mill Street and Bernard Avenue. In anticipation of this floor layout, a conceptual design for Kerry Park envisions the west wall of the podium to be bermed to hide the hotel service functions while simultaneously creating an amphitheatre to serve a stage backing onto the Sails Plaza. Regardless of whether or not Kerry Park is constructed as envisioned, any future building on tower site 1A should conform to the guidelines set out in b)1a)3 Human Scale.

g) Parking use on sites 1B and 1C may be located up to the 4th storey, subject to being screened behind an active use of a minimum depth of 12m from Mill Street, and a minimum depth of 8m from Queensway and Water Streets.

h) Residential Uses fronting Queensway Avenue should be located at the 2nd Storey and above (in addition to grade level entrance lobbies).

i) Underground parking uses and circulation spaces can extend beyond the boundaries of the existing land parcel.

j) Hotel floor areas may cantilever or span beyond the boundaries of the existing land parcel.

k) The minimum spatial separation between facing window openings in residential or hotel uses below 38m in building height may be reduced from 25m, but should not be not less than 12m.

l) Towers 1B and 1C should generally taper towards the north in order to improve views from within interior spaces and to diminish the visual bulk of the towers as viewed from Stuart Park and City Hall (See figure 2.3)



### 3.1.c.1.2 Height (podium & tower)

- a) The maximum building heights should be:
- i) Tower site 1A 59m
  - ii) Tower site 1B 74 m
  - iii) Tower site 1C 82 m
- b) Within the 12m setback from the property line at Queensway Avenue, the maximum building height should be 15 m, with the exception that portions of each building not exceeding 15m in width can project into this setback.
- c) Within the 12m setback from the property line at Bernard Avenue, the maximum building height should be 12 m.
- d) The maximum height of the **streetwall/podium** should be 22 m, with the exception that vertical projections of not more than 4m can be permitted for floor areas related to **active uses** including roof gardens, or to accommodate structure and roof assemblies for a conference centre floor area.

### 3.1.c.1.3 Floor Plate

- a) At storeys above the height of 15m above grade level, the maximum **floor plate** should be as follows:

	up to max 38m height	above 38m height
i) Tower site 1A	540 sq. m	540 sq. m
ii) Tower site 1B + T1C	1880 sq. m	n/a
iii) Tower site 1B	n/a	580 sq. m
iv) Tower site 1C	n/a	900 sq. m

### 3.1.c.1.4 Heritage Considerations

- a) The redevelopment of the former Royal Trust site (248 Bernard Avenue) provides an opportunity to reflect the heritage of the ferry service and fruit packing functions of this precinct, through architectural references to the industrial building forms that at one time occupied the waterfront in this vicinity. A large oversailing roof is therefore encouraged above a

possible upper-level restaurant terrace, to provide both weather protection and to act as place a marker that, in its form and character will be an architectural reference to these vernacular structures.

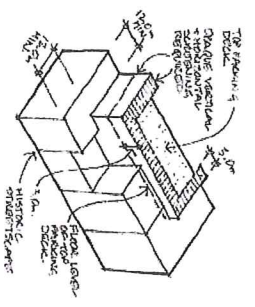
## 3.1.c.2 Sub-Area 2

### 3.1.c.2.1 Configuration

- a) Building siting and setbacks should conform to Figures 3.1-1 to 3.1-3.
- b) All parking at or above grade should be located behind a minimum 12m depth of active uses fronting Bernard Avenue or Water Street. Where above-grade parking is not located behind an active use, and would otherwise be open to view, it should be located behind an opaque wall. This wall should have a minimum height of 3m and guideline 2.1.1.3.b) with respect to visual interest and blank walls applies. Additionally, an overhead plane should be provided from the wall for a distance of 6m in depth to hide the parking stalls located along the perimeter of the building, from views from above. This overhead plane can be a lattice or any feature that provides visual interest.
- c) Parking access points should be from the lane.
- d) All above-grade parking should be set back a minimum of 6m from the lane.
- e) Underground parking uses and elevated hotel uses, including ancillary service and circulation spaces, can extend beyond the boundaries of the site.

### 3.1.c.2.2 Height (podium & tower)

- a) Building height in this sub-area should not exceed 22m.
- b) For a minimum depth of 12m from the Bernard Avenue frontage plus for a minimum of 6m in depth along the Mill and Water Street frontages, the envelope





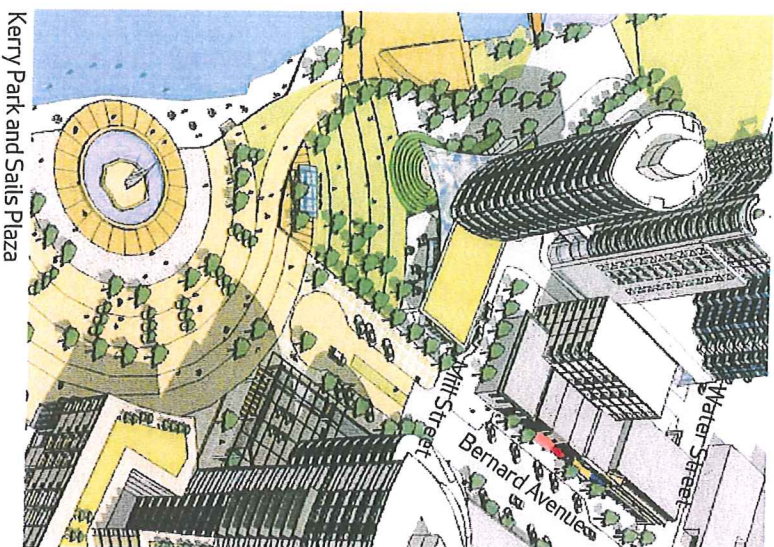
of the existing buildings should be maintained or replicated, with the exception that projections of no greater than 2m for mechanical equipment will be considered.

### 3.1.c.2.3 Floor Plate

(Not Applicable)

### 3.1.c.2.4 Heritage Considerations

- a) The rear portions of the buildings of the north side of the 200 block of Bernard Avenue are encouraged to be upgraded in order to meet the servicing needs of any proposed hotel and conference occupancies in this sub-area as well as to improve the visual aesthetics of the lane.





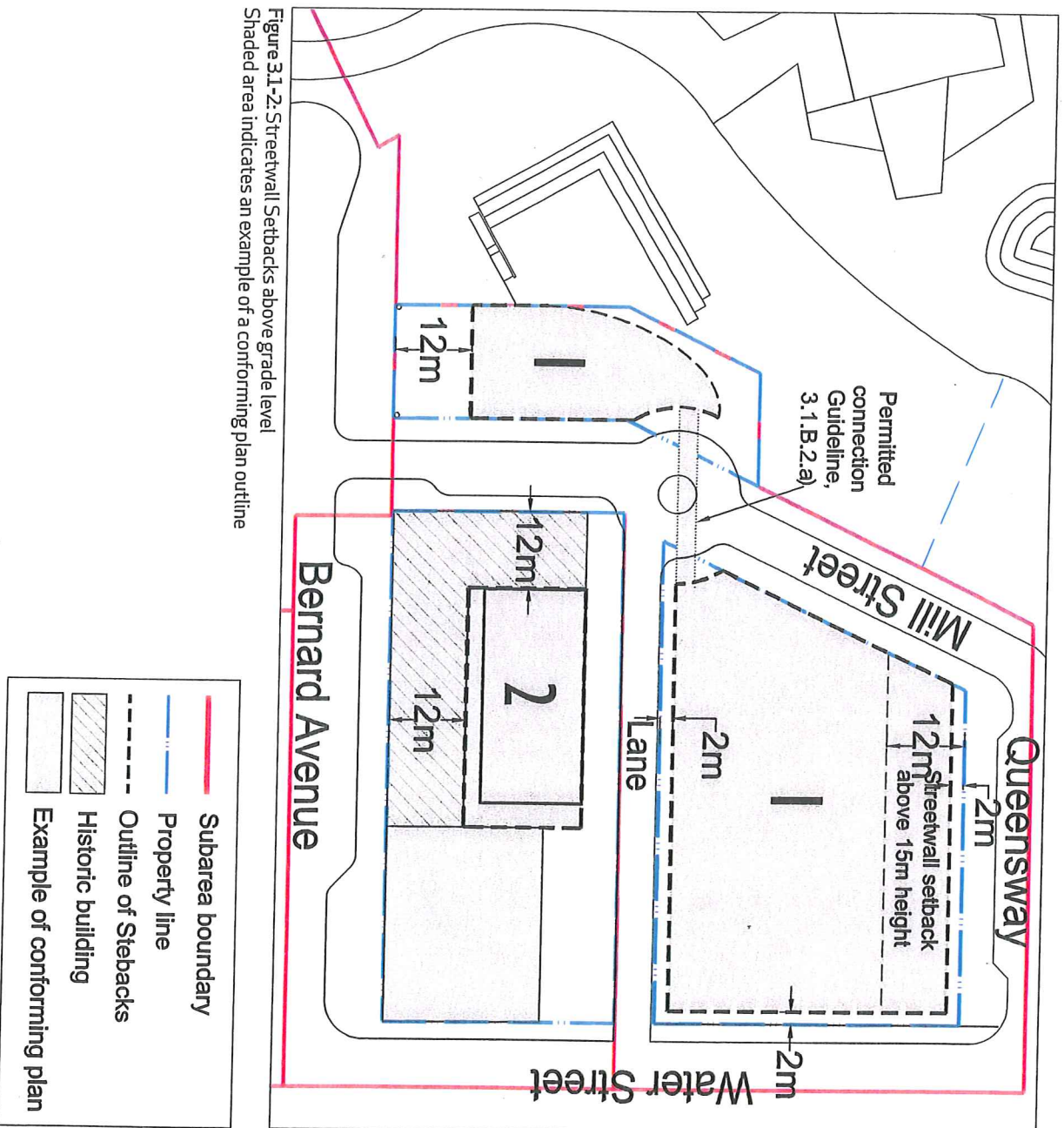


Bernard Avenue west









**Figure 3.1-2: Streetwall Setbacks above grade level**  
Shaded area indicates an example of a conforming plan outline

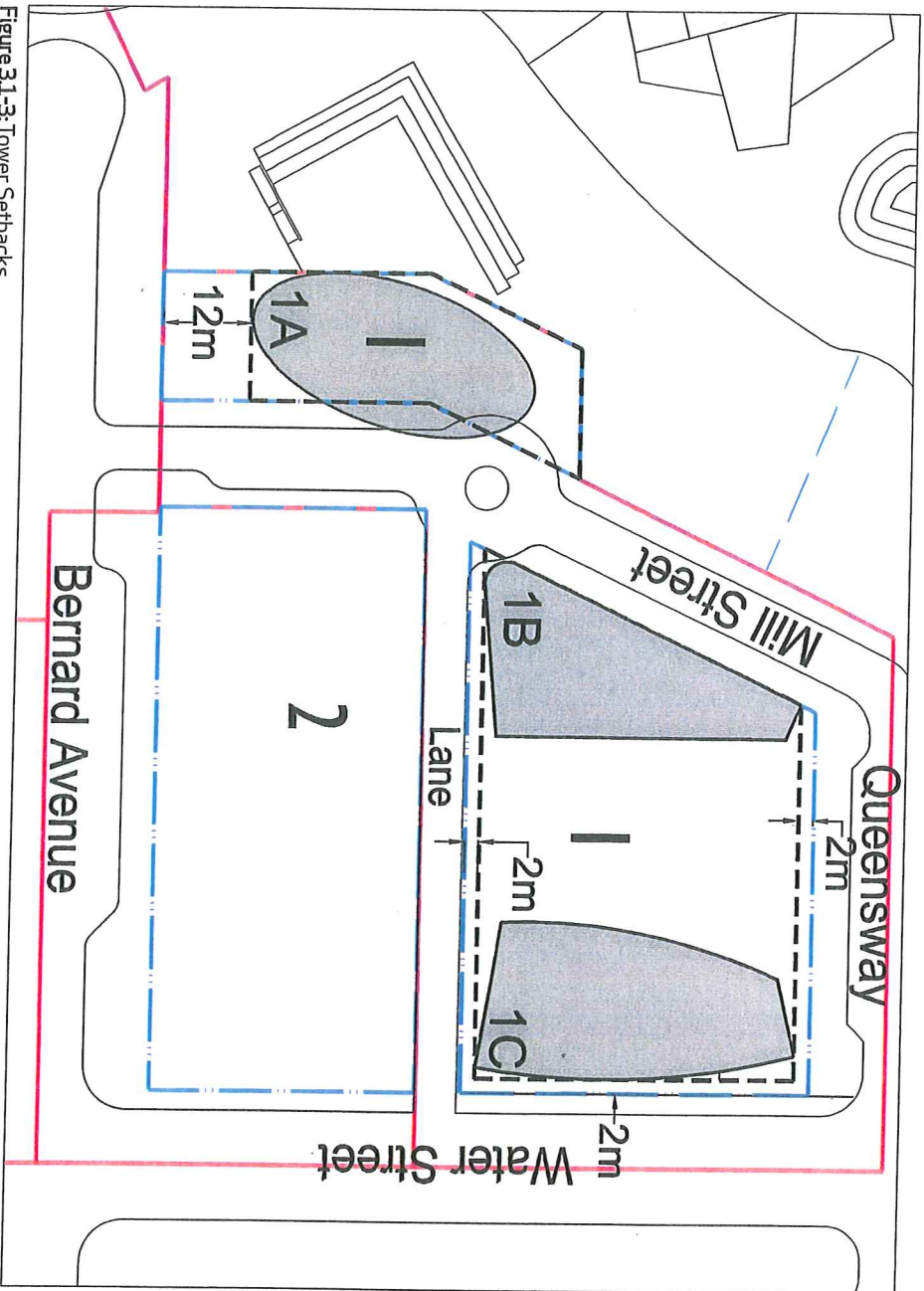
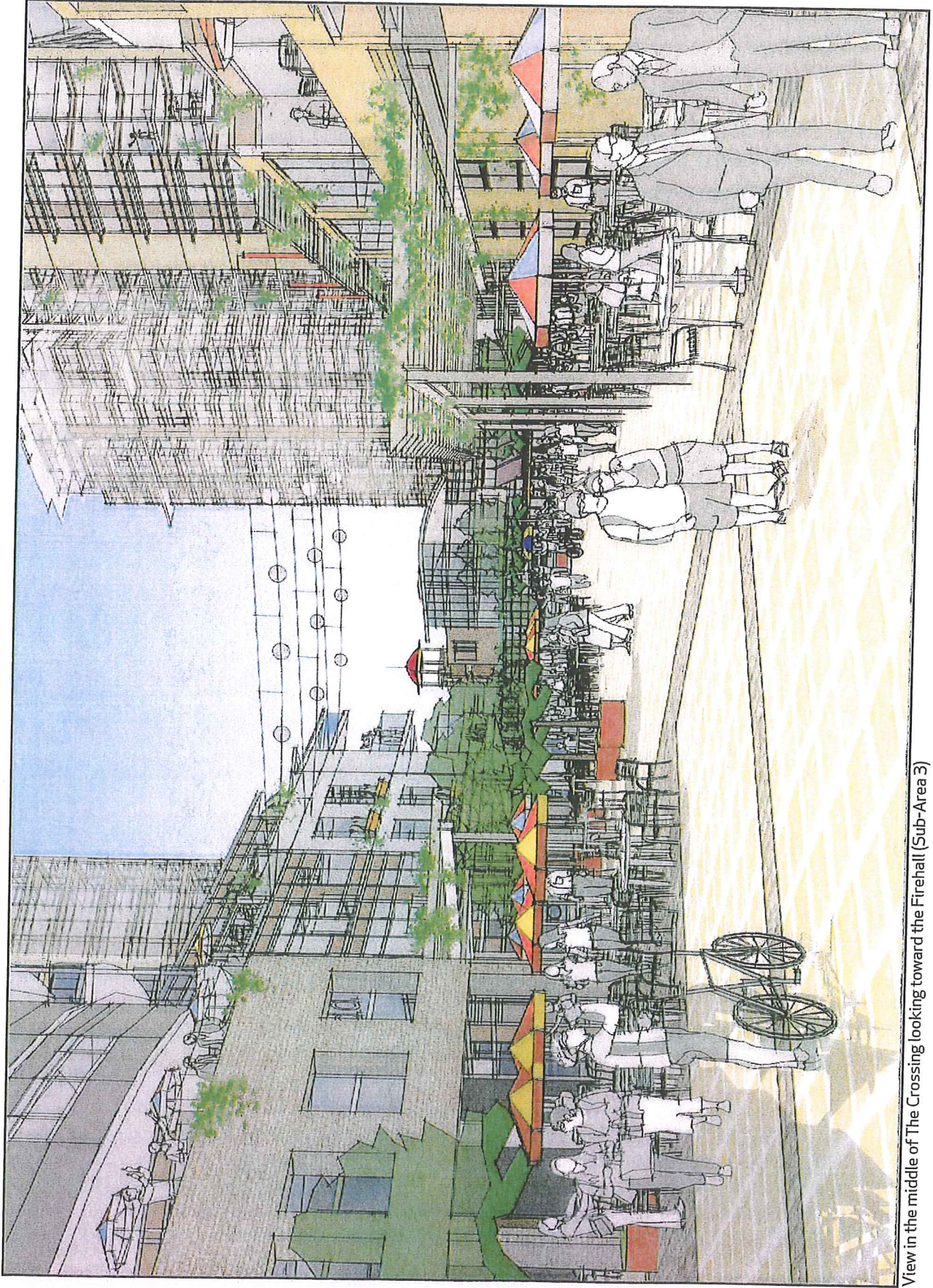


Figure 3.1-3: Tower Setbacks

Shaded area indicates an example of a conforming plan outline





View in the middle of The Crossing looking toward the Firehall (Sub-Area 3)



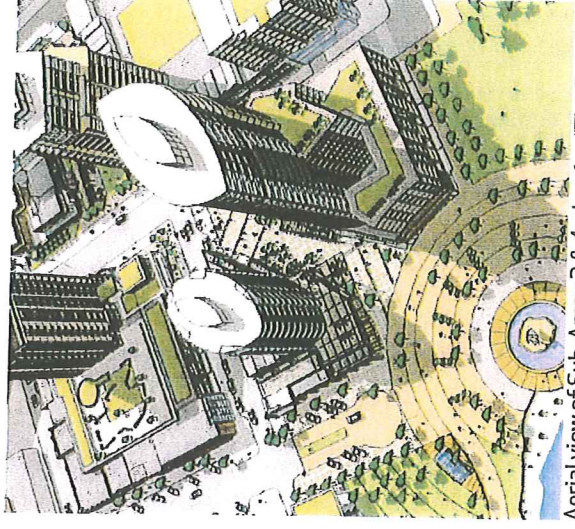
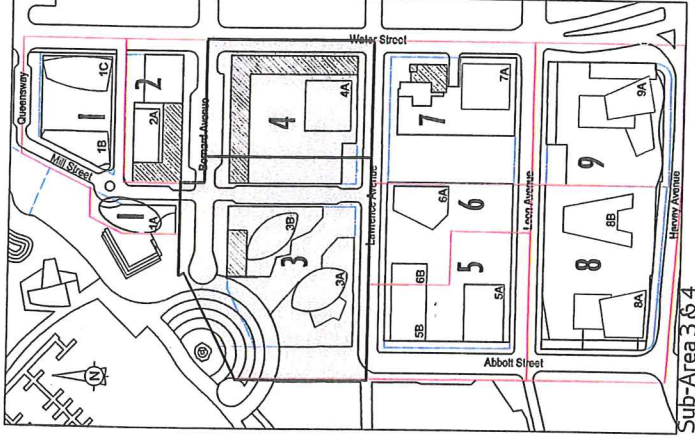
## 3.2 Sub-Areas 3 & 4

### 3.2.a General Design Objectives

- a) To maintain the historic streetscape scale and character along the Bernard Avenue frontage.
- b) To reinforce Kerry Park and the Sails Plaza as community focal points.
- c) To promote wayfinding by creating visual links between landmarks within the area and by preserving existing view corridors.

### 3.2.b Site Specific Criteria

- a) A new pedestrian mews, The Crossing, should lead in a diagonal direction from the Sails Plaza to the junction of Mill Street and Lawrence Avenue.
- b) The Crossing should be articulated as a series of connected outdoor rooms and passageways that encourage the public to promenade between the lakefront and Downtown.
- c) A minimum separation of 16m between building faces should be maintained through The Crossing,
- d) A public pathway with a minimum width of 8m should be provided through the centre of The Crossing.
- e) The outline of the footprint of the Lequime Building (229-233 Bernard Avenue) should be highlighted on the walking surface.
- f) Public art and expression of the Region's agricultural landscape should be incorporated.
- g) The Crossing should allow visual connections with the Sails sculpture and the tower on the northeast corner of the Firehall. Careful consideration will need to be given to placement of trees and any other vertical elements within The Crossing so as not to compromise the ability to see either of these landmarks from positions within The Crossing.
- h) The Crossing is also conceived to function well as a 'night street' and as such a canopy or canopies is/are encouraged to extend use of this public outdoor space.



- i) Construction should provide acoustic mitigation for residential occupancies above.
- j) The portions of the buildings along the southeast edge of the Sails Plaza should, in plan, reinforce the curvilinear form of the Sails Plaza.
- k) Podium corner locations at the entrance to The Crossing should be articulated as gateway forms.
- l) The Sails Plaza should complement the Sails sculpture as Kelowna's principal iconic image. Its design should enhance casual social interaction as well as programming of community and commercial activities. Urban design of the right-of-way as well as private development should contribute to an authenticity of place by incorporating images and references that are distinctive to Kelowna.
- m) To encourage year-round activity, it is intended that the emphasis on access along Bernard to the Sails Plaza will vary on a seasonal basis between pedestrian and vehicular priorities. Vehicle access should not compromise the pedestrian-oriented nature of the Plaza.
- n) The Abbott Street right-of-way should be designed principally as a pedestrian corridor, through which vehicles may have access. This corridor should preserve and enhance views from Abbott Street to the Sails sculpture.
- o) A pocket park at the northeast corner of the Mill Street and Lawrence Avenue intersection should visually integrate Sub-Areas 3 and d)
- p) Towers within Sub-Area 3 should be designed to mitigate their visual bulk as perceived from within The Crossing and on adjoining public streets. Curvilinear forms are encouraged to help reduce their sense of mass as well as to enhance the pedestrian's sense of movement through The Crossing.
- q) Provision for a daycare with contiguous indoor and outdoor space should be accommodated in Sub-Area d)
- r) While Tower 3A is not required to taper nor reduce its floor plate size at its tower top, it is intended that the permitted midrise

massing accomplish this effect through contrast of its form with an ovoid tower above.

### 3.2.c Dimensional Parameters

These guidelines are in addition to the regulations of the Sub-Area Zoning Schedules.

The Zoning Schedules specify the maximum building height and gross floor area permitted in these sub areas. For the purposes of enabling the achievement of the maximum permitted gross floor area, and ensuring acceptable urban design relationships with other buildings and the adjacent public realm, further dimensional criteria have been developed as follows:

## 3.2.c.1 Sub-Area 3

### 3.2.c.1.1 Configuration

- a) Building siting and setbacks are to conform to Figures 3.2-1 to 3.2-3.
- b) Underground parking uses can extend beyond the existing development parcel, to the boundaries of the Sub Area.

### 3.2.c.1.2 Height (podium & tower)

- a) The maximum building heights should be:
  - i) Tower 3A 74 m
  - ii) Tower 3B 44 m
- b) For a minimum depth of 12m from the Bernard frontage the envelopes of the existing buildings should be maintained or replicated, with the exception that removable canopy structures are permitted.
- c) The maximum height of the **streetwall/podium** should be 15 m, with the exception that there may be vertical projections of up to 4m in height for floor areas dedicated to **active uses** and for access to roof garden and any space intended for use by building occupants and/or the public.



### 3.2.c.1.3 Floor plate

- a) At storeys above the height of 15m above grade level, the maximum floor plates should be as follows:

	up to max 38m height	above 38m height
i) Tower site 3A	1200 sq. m	740 sq. m
ii) Tower site 3B	580 sq. m	580 sq. m

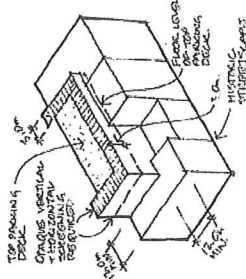
### 3.2.c.1.4 Heritage Considerations

- a) A sensitive design treatment is needed in the reconstruction of the west-facing wall of the Lequime Building (229-233 Bernard Avenue) in Sub-Area c) This former side wall to the alley will become a promenade frontage with a prime lakefront outlook. To encourage social animation and eyes on the plaza, it is proposed that the reconstructed wall should extend approximately 20m along the length of The Crossing (as shown on Figure 3.2-1), and be reconfigured with openings to serve the new interior spaces behind it. Also, the ground plane treatment should replicate or mimic the building footprint as it existed prior to redevelopment of the site.
- b) The Paramount Theatre site in Sub-Area 3 (247-261 Bernard Avenue) will require demolition in whole or in part to create the extension of Mill Street. It is encouraged that the theater use be retained in the site's redevelopment. If retained, its prominent sign should be restored within an architecture that responds to the art deco-inspired character of the existing building.
- c) The removal of the Paramount Theatre (265 Bernard Avenue) will expose the west wall of the adjoining building. A complementary masonry facing should be applied to this building face for a minimum of 3m from Bernard Avenue, and the remainder of the west façade should allow a high degree of transparency that allows a view of the buildings internal structure to be seen from The Crossing and the Sails Plaza.

## 3.2.c.2 Sub-Area 4

### 3.2.c.2.1 Configuration

- a) Building siting and setbacks should conform to Figures 3.2-1 to 3.2-3.
- b) All parking at or above grade should be located behind a minimum 12m depth of active uses fronting Bernard Avenue or Water Street. Where above-grade parking is not located behind an active use, and would otherwise be open to view, it should be located behind an opaque wall. This wall should have a minimum height of 3m and guideline 2.11.3.b) with respect to visual interest and blank walls applies. Additionally, an overhead plane should be provided from the wall for a distance of 6m in depth to hide the parking stalls located along the perimeter of the building, from views from above. This overhead plane can be a lattice or any feature that provides visual interest.

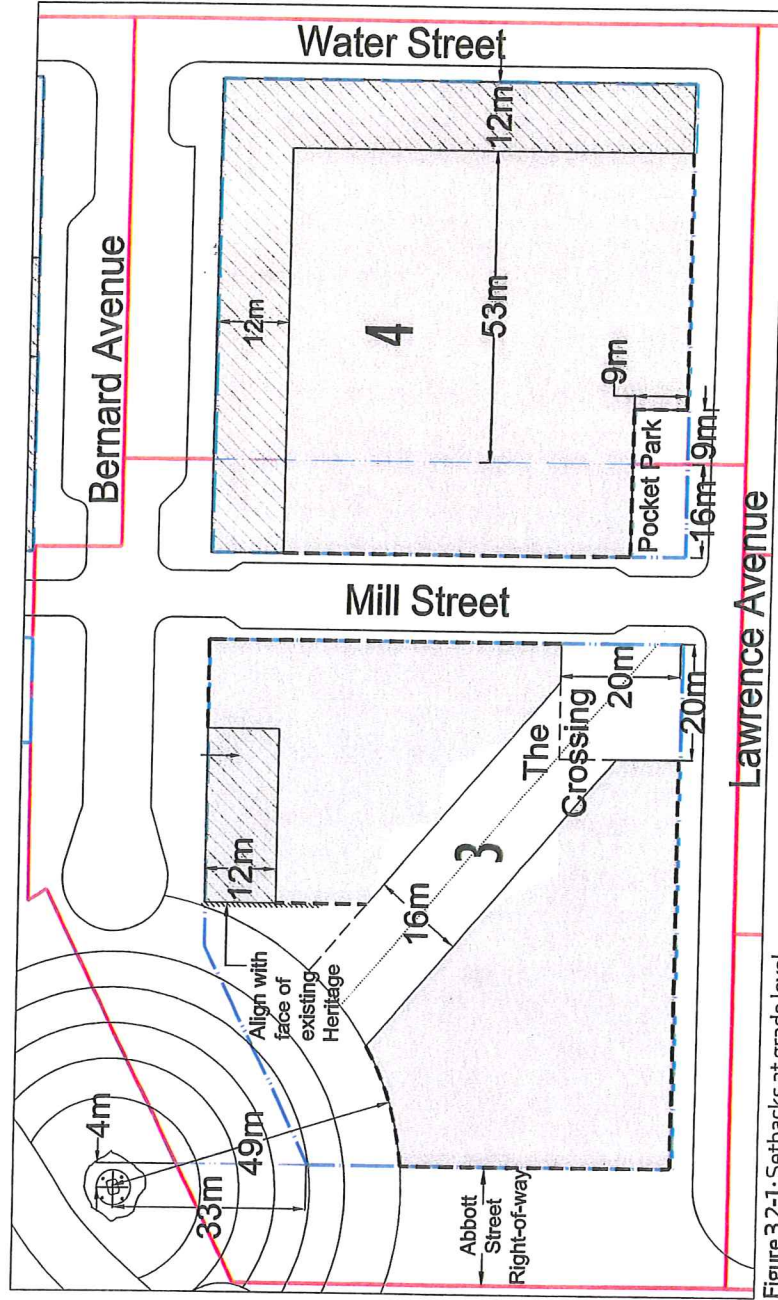


### 3.2.c.2.2 Height (podium & tower)

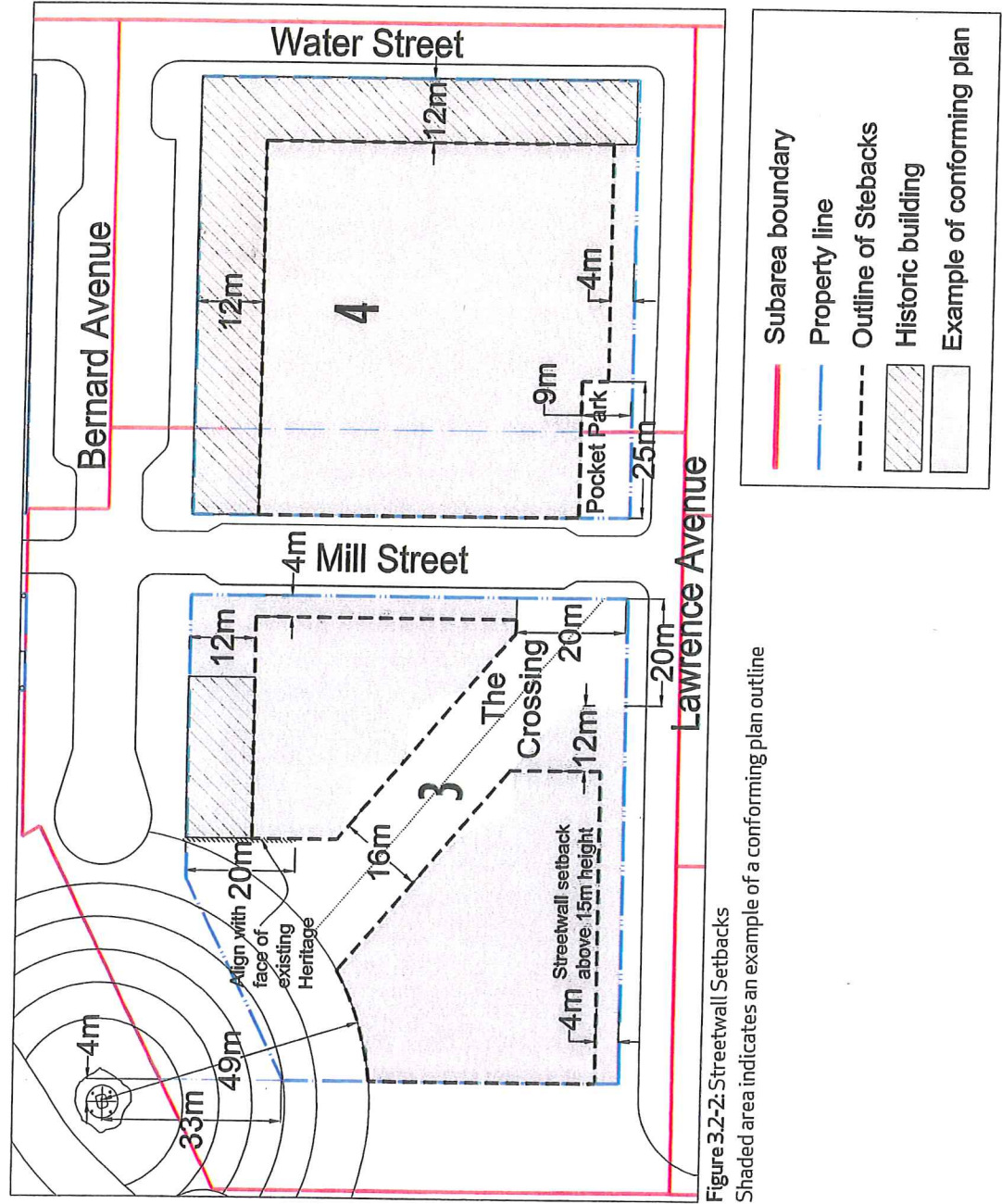
- a) Building height in this sub-area should not exceed 74 m.
- b) For a minimum depth of 12m from the Bernard and Water frontages the envelopes of the existing buildings should be maintained or replicated, with the exception that projections of no greater than 2m are acceptable for mechanical equipment.
- c) The maximum height of the streetwall/podium should be 15m, with the exception of vertical projections of not more than 4m in height for floor areas dedicated to active uses and for access to roof garden and any space intended for use by building occupants and/or the public.

### 3.2.c.2.3 Floor Plate

- a) Above the height of 15m. above grade level, the maximum floor plate should be as follows:
- i) Tower site 4A 900 sq. m







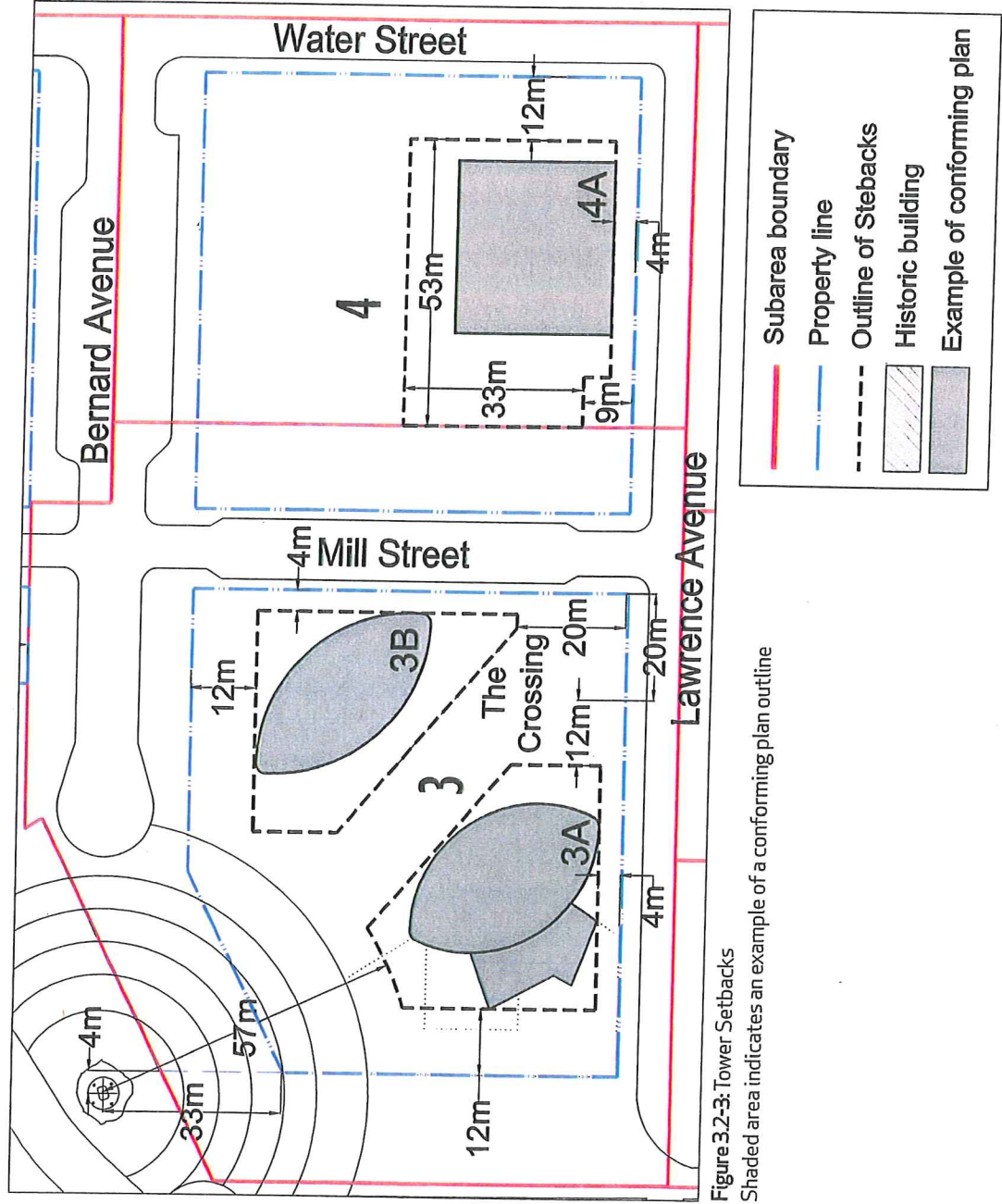
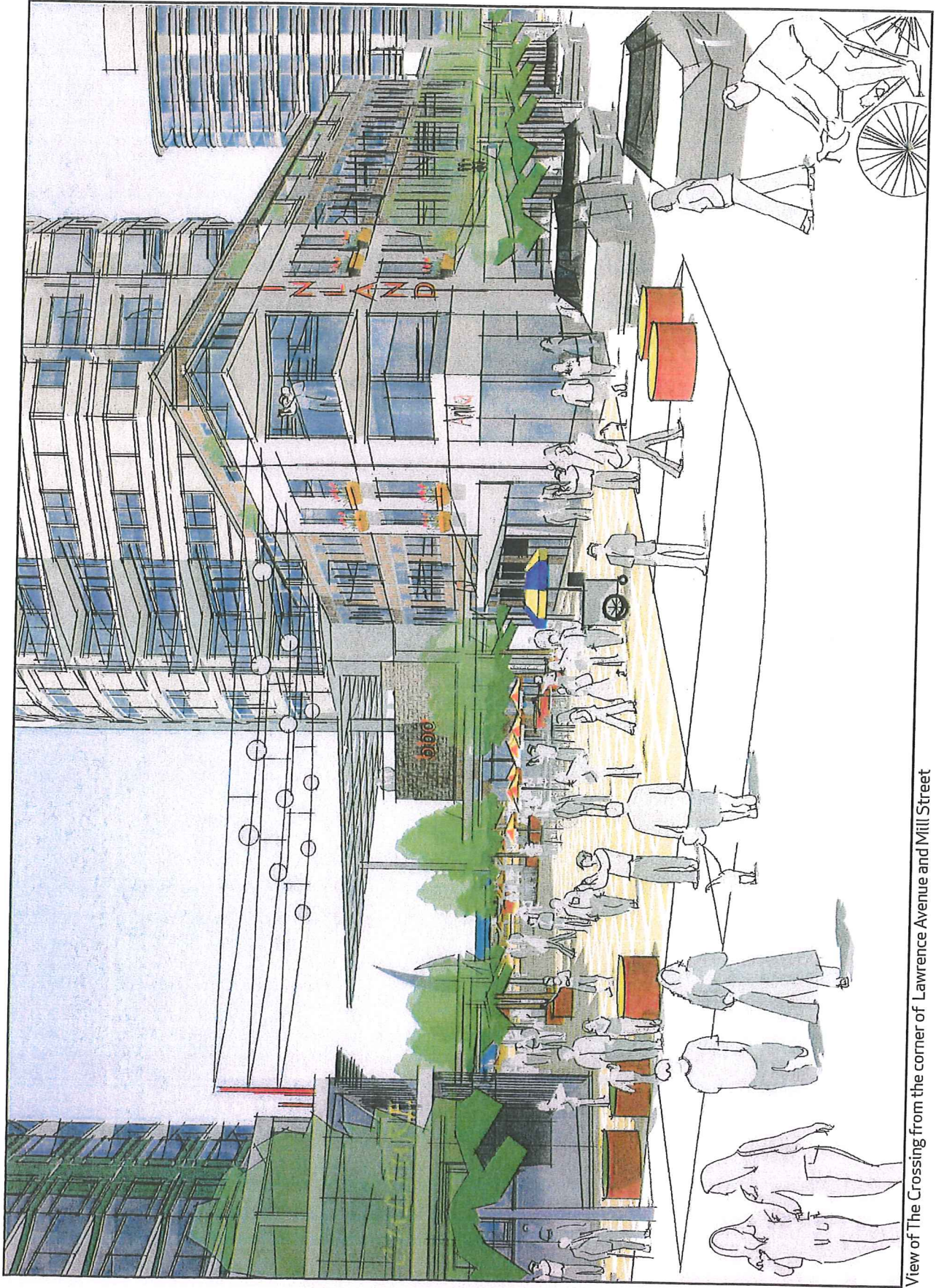


Figure 3.2-3: Tower Setbacks

Shaded area indicates an example of a conforming plan outline





View of The Crossing from the corner of Lawrence Avenue and Mill Street



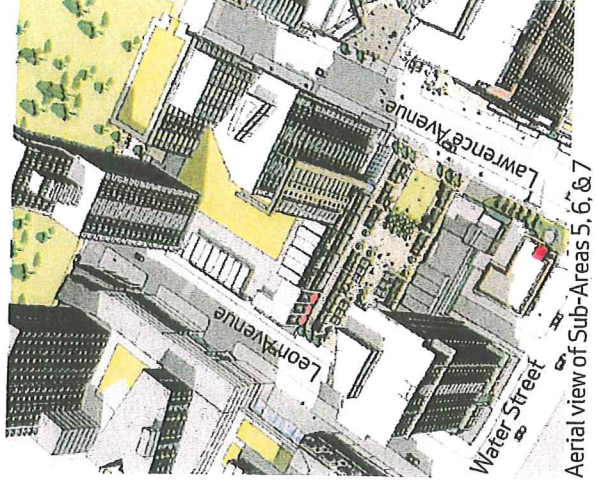
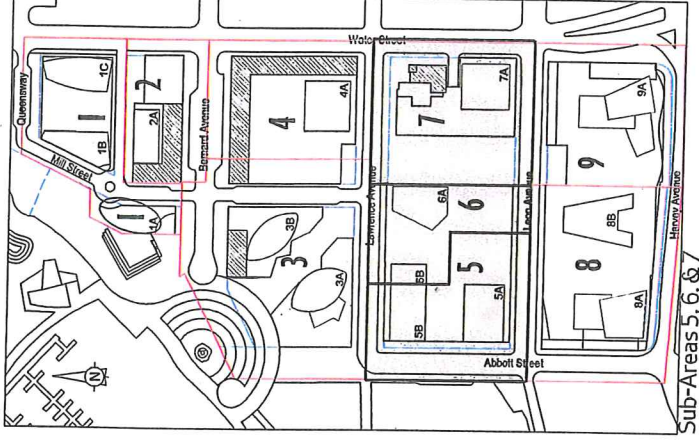
### 3.3 Sub-Areas 5, 6, & 7

#### 3.3.a Design Criteria:

- a) To create a neighbourhood focus for a principally residential precinct, with community oriented commercial uses supporting daytime urban activities in the Market Green;
- b) To capitalize on frontage facing City Park for year round livability and "eyes on the park";
- c) To highlight the Water Street Firehall as an iconic structure encouraging linkage of this precinct between Downtown and the Lakefront.

#### 3.3.b Site Specific Criteria

- a) Towers should be designed to maximize views to the lake and be sited and shaped to minimize impacts on the Market Green.
- b) Facades on Lawrence and Leon Avenues should, for a maximum of 20%, have sufficient setbacks to accommodate cafes and entrance plazas to the upper floors of the adjoining buildings.
- c) The Market Green should be designed to promote social interaction. Prominent use of the 'Okanagan Trellis' concept is recommended in order to provide spatial structure for a range of social and commercial activity. A freestanding seasonal pavilion of approximately 100 sq.m should be located within the Market Green.
- d) In Sub Area 7, materials, detailing, overall massing, and use of sub-forms, particularly in the lower 38m of height, should be carefully considered so as to complement the Firehall massing and to enhance its presence as a public building and iconic community structure.
- e) Consideration should be given to a building form that abuts the existing addition at the rear of the Firehall, This form should overlap the existing single storey structure in a manner that encourages pedestrian activity along Lawrence Avenue. The new structure might take the form of a similar or contrasting architectural expression to the Firehall.



Aerial view of Sub-Areas 5, 6, & 7



- f) Any daycare use within Sub-Areas 6 and 7 should provide contiguous indoor and outdoor space.

### 3.3.c Dimensional Parameters

These guidelines are in addition to the regulations of the Sub-Area Zoning Schedule.

The Zoning Schedules specify the maximum building height and gross floor area permitted in these sub areas. For the purposes of enabling the achievement of the maximum permitted gross floor area, and ensuring acceptable urban design relationships with other buildings and the adjacent public realm, further dimensional criteria have been developed as follows:

#### 3.3.c.1 Sub-Area 5

##### 3.3.c.1.1 Configuration

- a) Building siting and setbacks are to conform to Figures 3.3-1 to 3.3-3.
- b) Residential use at street level (other than entry lobbies) are encouraged along Abbott Street and should be set back a minimum of 4m from the property line. These units should be ground-oriented.
- c) Within the required setback, residential occupancies should have a raised porch or outdoor terrace between 0.6m and 1.2m above sidewalk grade. Each dwelling should also be fully accessible from the building's primary circulation system.
- d) All passive uses at or above grade should be screened behind an active use that has a minimum depth of 8m fronting on to Abbott Street, and Lawrence and Leon Avenues.
- e) If Sub-Areas 5 and 6 are developed as an integrated development, towers 5B and 6B can be contiguous, i.e., their floor plates can abut one another to form a single, uninterrupted floor plate.  
Additionally, towers 5B and 6B, either individually or as a contiguous floor plate can be contiguous with tower 5A or tower 6A, but not both tower 5A and tower 6A simultaneously.

In any possible configuration of floor plates, the total floor plate area should not exceed the maximum recommended as set out in 3.3.C.1.3.

##### 3.3.c.1.2 Height (podium & tower)

- a) The maximum building heights should be:
  - i) Tower site 5A 82 m
  - ii) Tower site 5B 38 m
- b) The maximum height of the streetwall/podium should be 15m, with the exception that there may be vertical projections of up to 4m in height for active uses and roof access.

##### 3.3.c.1.3 Floor Plate

- a) At storeys above the height of 15m above grade level, and noting that the permitted tower floor plates may be configured contiguously, the maximum floor plates should be as follows:
  - i) Tower site 5A 900 sq. m
  - ii) Tower site 5B 800 sq. m

#### 3.3.c.2 Sub-Area 6

##### 3.3.c.2.1 Configuration

- a) Building siting and setbacks should conform to Figures 3.3-1 to 3.3-3.
- b) All passive uses at or above grade should be screened behind an active use that has a minimum depth of 8m fronting on to Lawrence and Leon Avenues and the Sub-Area 7 boundary, with the exception of any street grade entrance to parking that is permitted up to a maximum of 7m in width.
- c) If Sub-Areas 5 and 6 are developed as an integrated development, towers 5B and 6B can be contiguous, i.e., their floor plates can abut one another to form a single, uninterrupted floor plate.

Additionally, towers 5B and 6B, either individually or as a contiguous floor plate can be contiguous with tower 5A or tower 6A, but not both tower 5A and tower 6A simultaneously.

In any possible configuration of floor plates, the total floor plate area should not exceed the maximum recommended as set out in 3.3.C.2.3.

**3.3.c.2.2 Height (podium & tower)**

a) The maximum building heights should be:

- i) Tower site 6A    65 m
- ii) Tower site 6B    38 m

b) The maximum height of the **streetwall/podium** should be 15m, with the exception that there may be vertical projections of up to 4m in height for sub-forms associated with **active uses** and **rooftop** accesses.

**3.3.c.2.3 Floor Plate**

a) Above the height of 15m above grade level, and noting that the permitted **tower floor plates** may be configured contiguously, the maximum permitted **floor plates** should be as follows:

- i) Tower site 6A    740 sq. m
- ii) Tower site 6B    350 sq. m

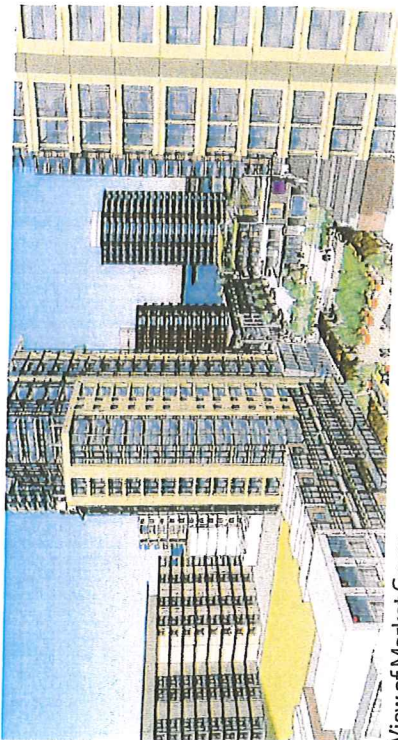
**3.3.c.3. Sub-Area 7**

**3.3.c.3.1 Configuration**

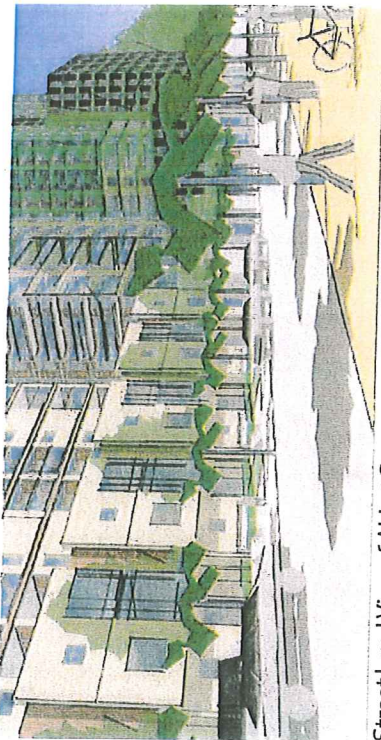
- a) Building siting and setbacks should conform to Figures 3.3-1 to 3.3-3.
- b) Parking should not be located above grade.

**3.3.c.3.2 Height (podium & tower)**

- a) The maximum building height in this Sub-Area should not exceed 65m.
- b) The maximum height of the **streetwall/ podium** should be 12m, with the exception that there may be vertical projections



View of Market Green



Street Level View of Abbot Street



of not more than 4m in height for floor area for active uses and rooftop access.

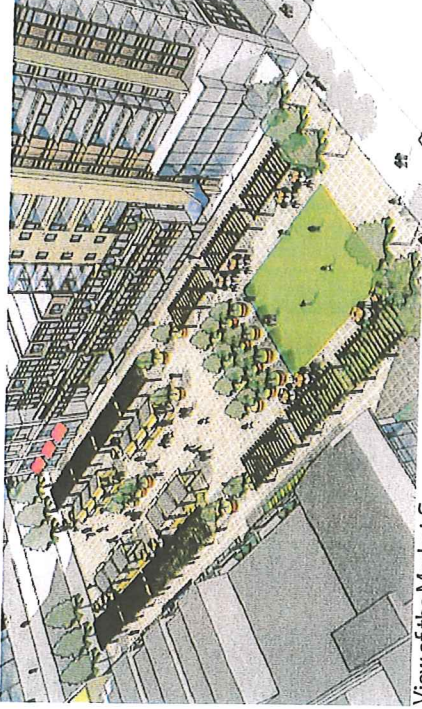
**3.3.c.3.3 Floor Plate**

- a) At storeys above the height of 10m. above grade level, the maximum floor plate should be as follows:

- i) Tower site 7A 900 sq m

**3.3.c.3.4 Heritage Considerations**

It is understood that the existing function of the Firehall in Sub-Area 7 is to be retained for the foreseeable future. Accordingly, in order to maintain truck movements and service access, it is envisaged that new infill grade level commercial will be designed to wrap around the rear of the Firehall to enhance the usability and amenity of the Market Green, however the view to the cupola from The Crossing on the south side of Lawrence Avenue should not be obscured.

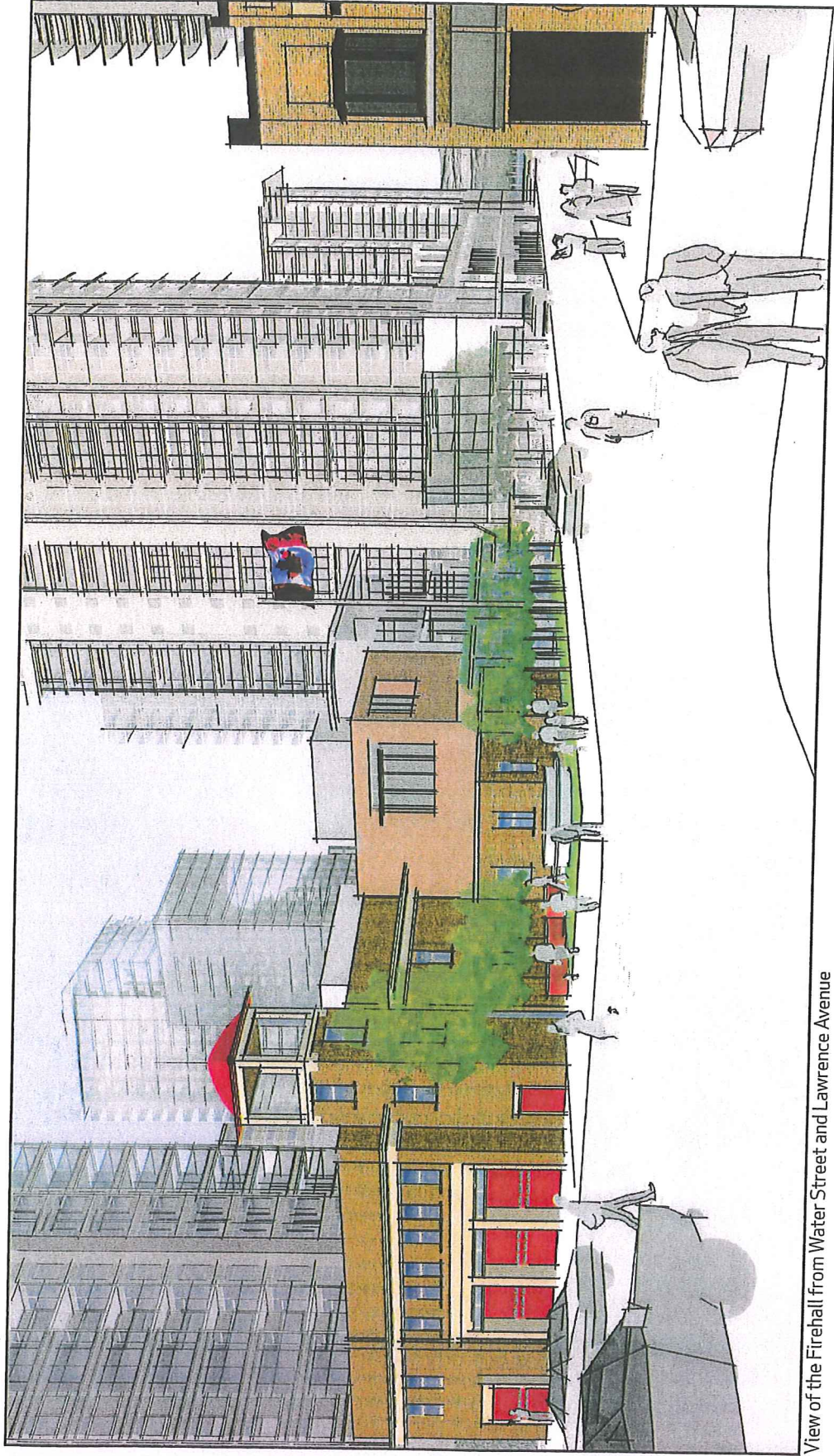


View of the Market Green



View of Water Street and Bernard Avenue intersection





View of the Firehall from Water Street and Lawrence Avenue



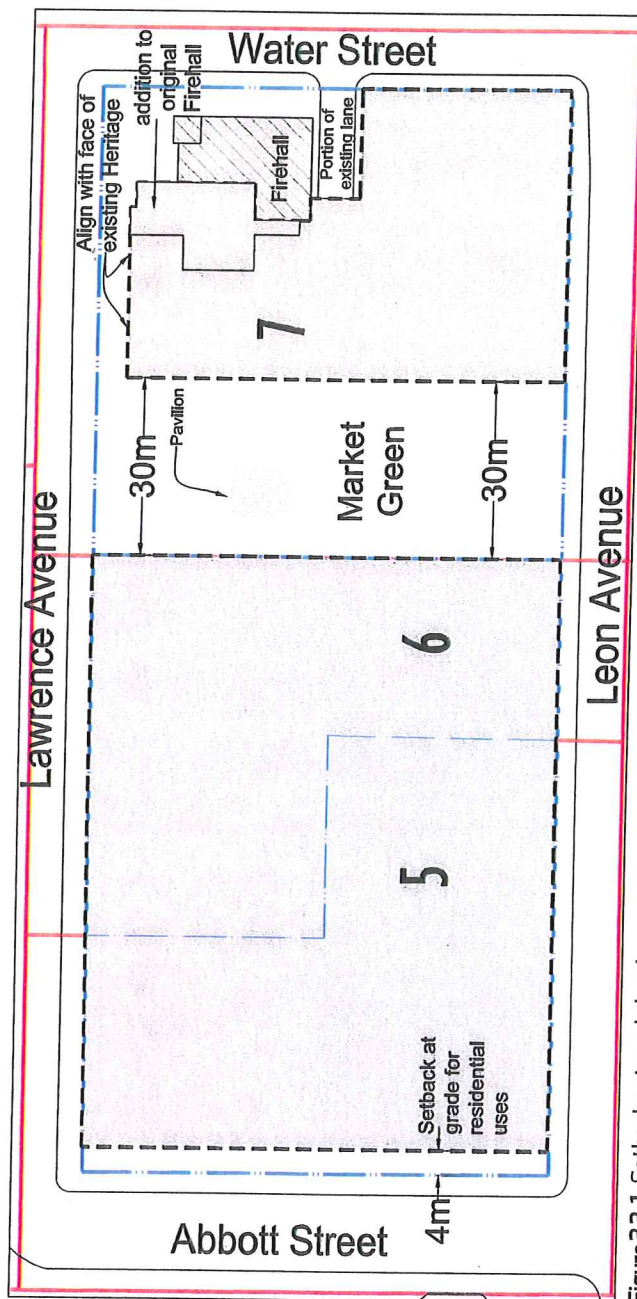
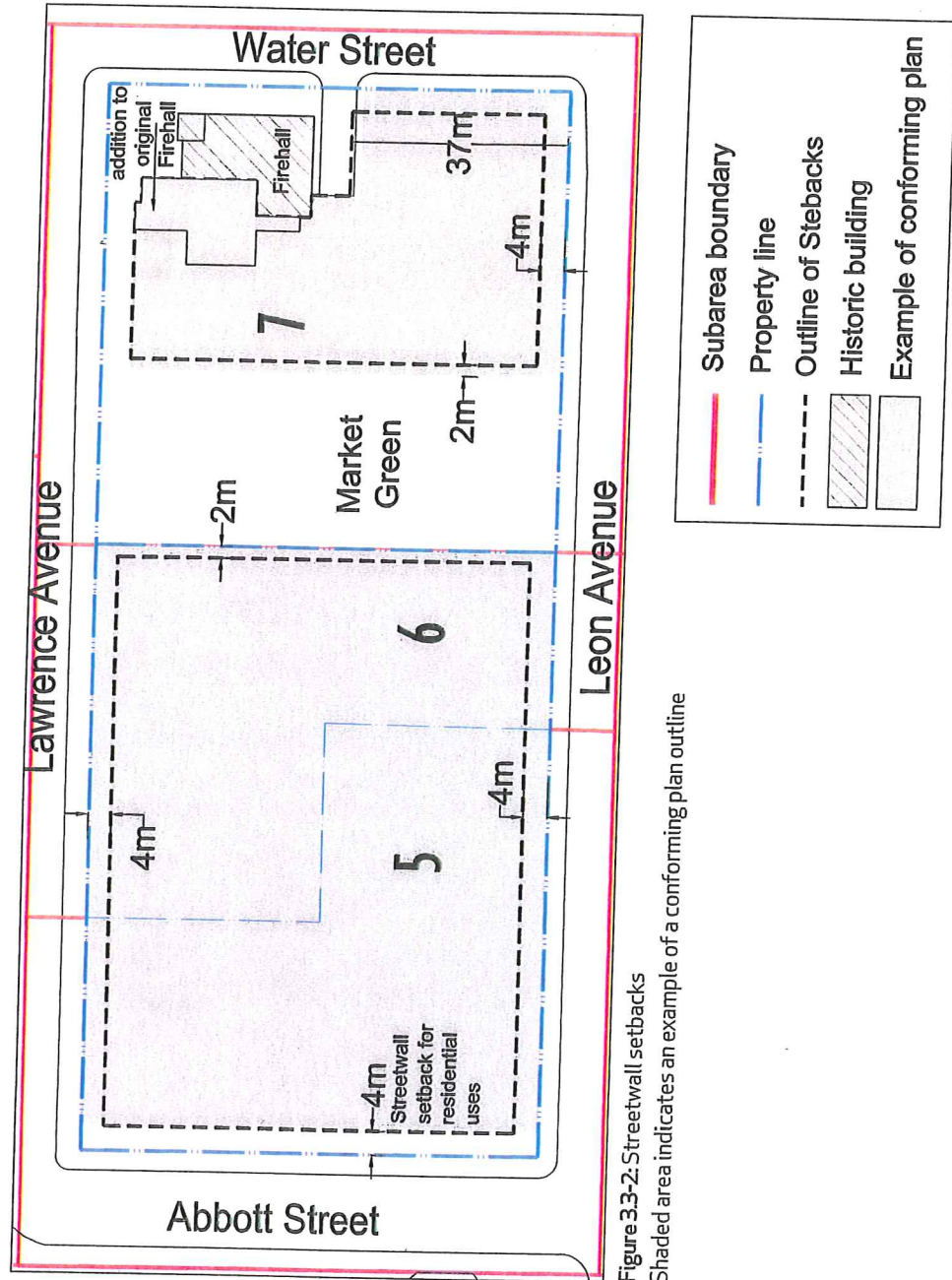


Figure 3.3-1: Setbacks at grade level  
Shaded area indicates an example of a conforming plan outline





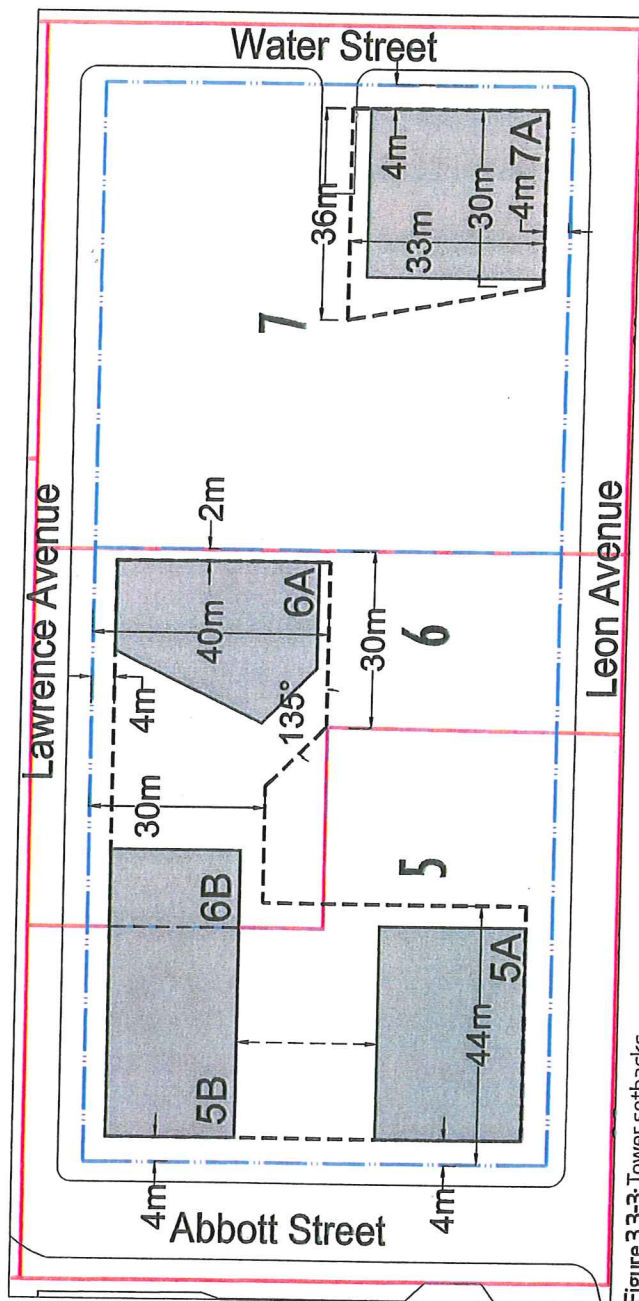
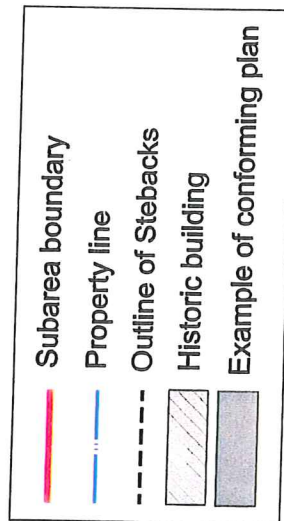
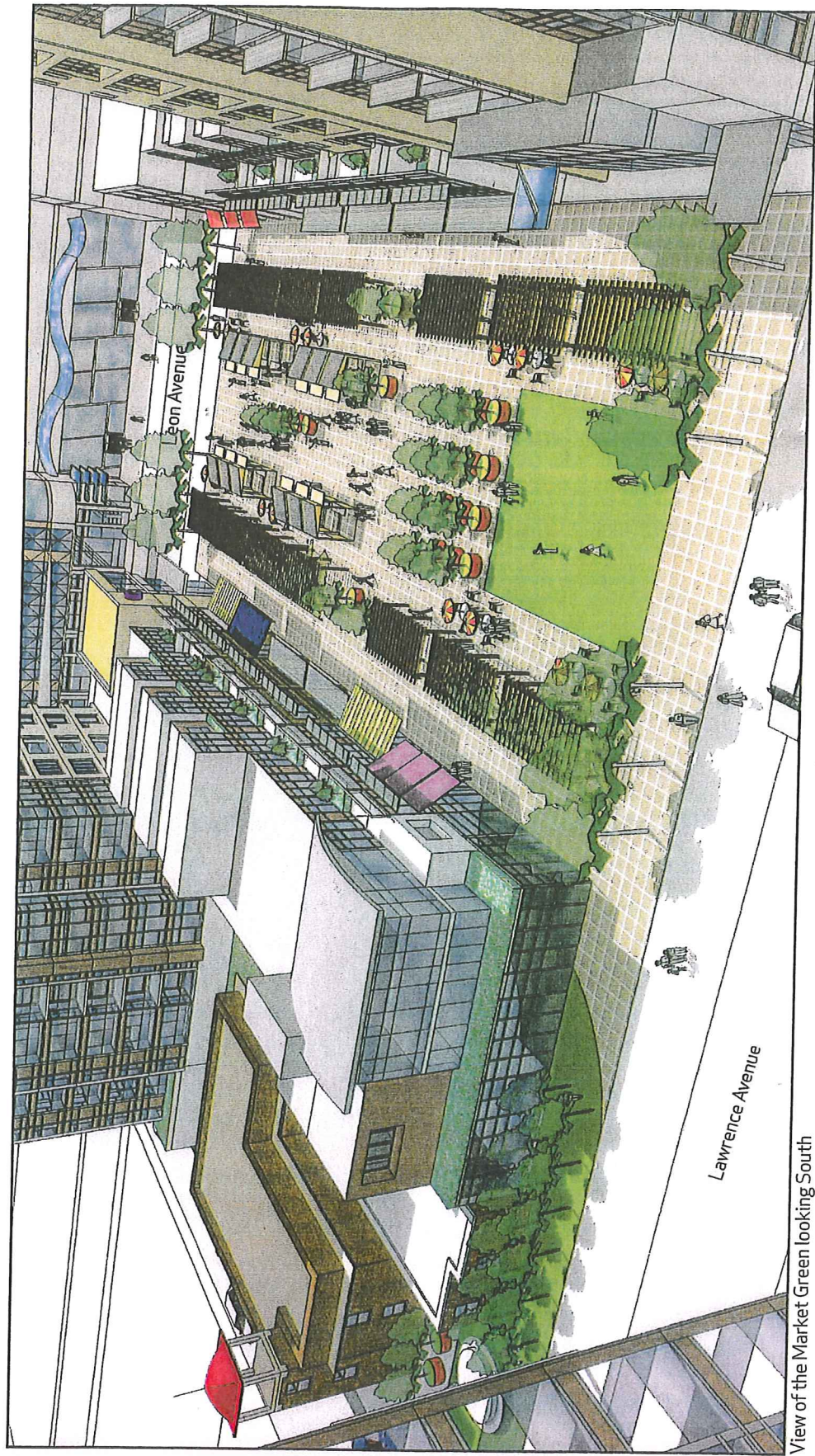


Figure 3.3-3: Tower setbacks  
Shaded area indicates an example of a conforming plan outline





View of the Market Green looking South



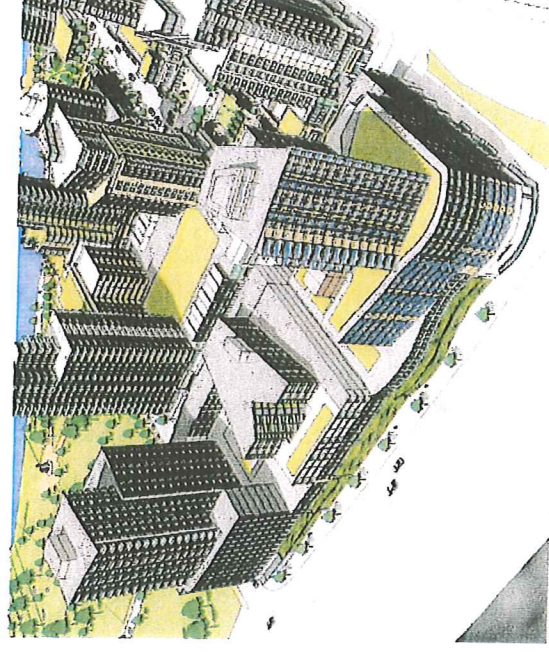
## 3.4 Sub-Areas 8 & 9

### 3.4.a Design Criteria

- To enhance the urban interface with the Highway 97 corridor.
- To buffer Highway 97 with a strong landscaped treatment.
- To mark the Harvey Avenue and Abbott and Water Streets intersections as pivotal urban landmarks.
- To express the presence of human activity in close proximity to an intense vehicular corridor.

### 3.4.b Site Specific Criteria

- The Harvey Avenue/Abbott Street intersection provides an opportunity for **Tower 8A** to express a rich urban identity for Kelowna that is articulated as an inviting 3-dimensional gateway landmark.
- Colonnades** along the Abbott Street frontage of Sub-Area 8 and the Leon Avenue frontage of Sub-Area 9, are strongly encouraged as a means of providing a transitional and spatial enclosure that supports the pedestrian experience and moderates the impact of vehicular traffic. They should have a vertical clearance of at least 6m.
- Office uses are encouraged to occupy the lower portions of **Towers 8A and 9A**, and to wrap around to Harvey Avenue (see 9.1.d).
- A **green wall** should be provided along the **Streetwall** facing Harvey Avenue.
- It is anticipated that a food store be located in Sub-Area 9. Any such food store should have a floor area in the order of 2,800 sq. m and should have at least one principal entry prominently visible along the Leon Avenue frontage. The landscaped setback that is an extension of the Market Green should be designed to accommodate outdoor merchandising associated with any such food store in this location.



Aerial view of Sub-Areas 8 & 9 on Harvey Avenue

- f) Provision for two community meeting spaces, with direct access to the street, should be accommodated within the **streetwall/podium** of Sub-Area 8.
- g) Courtyards and atriums are encouraged in order to provide energy efficient and climate-responsive residential and workplace environments.

### 3.4.c Dimensional Parameters

These guidelines are to be used in conjunction with and in addition to the regulations of the Sub-Area Zoning Schedules.

The Zoning Schedules specify the maximum building height and gross floor area permitted in these sub areas. For the purposes of achieving the maximum permitted gross floor area, and ensuring acceptable urban design relationships with other buildings and the adjacent public realm, further dimensional criteria have been developed as follows:

#### 3.4.c.1 Sub-Area 8

##### 3.4.c.1.1 Configuration

- a) Building siting and setbacks should conform to Figures 3.4-1 to 3.4-3.
- b) All **passive uses** at or above grade should be screened behind an active use that has a minimum depth fronting each sub-area boundary as specified in the applicable Sub Area Zoning Schedule, with the exception of street grade entrances to parking. These **active uses** should have a minimum depth of 12m fronting Harvey Avenue and Abbott and Water Streets, and 8m fronting Leon Avenue.
- c) **Passive uses** fronting the portions of Harvey Avenue that are more than 25m from the intersections with the Abbott Street setback line, should be faced with a **green wall** (see figure 3.3.1).
- d) **Passive uses** on the 4th storey are acceptable.
- e) The minimum spatial separation between facing window openings in residential uses below 38m in building height may be reduced from 25m, but should not be not less than 12m.

##### 3.4.c.1.2 Height (podium & tower)

- a) The maximum building heights should be:
  - i) Tower site 8A 82m
  - ii) Tower site 8B 38m
- b) Within the recommended 12m setback from Leon Avenue, the maximum building height should be 15m. However, building sub-forms not higher than 22m from grade, and not totaling more than 30% of the floor plate achievable within the boundaries of the setback, are encouraged.

##### 3.4.c.1.3 Floor Plate

- a) At storeys above the height of 22m above grade level, and subject to the setbacks noted below, the maximum **floor plates** should be as follows:

	up to max 38m height	up to max 65m height	above 65m height
i) Tower site 8A	subject to setback below	1150 sq. m	740 sq. m
ii) Tower site 8B	subject to setback below		

- b) A maximum of 35% of the gross floor area between the 12m and 20m setbacks from Leon Avenue should be higher than 22m.
- c) 30m should be the maximum horizontal building dimension for any portion of a building above 65m in height.

#### 3.4.c.2 Sub-Area 9

##### 3.4.c.2.1 Configuration

- a) Building siting and setbacks should conform to 3.4-1 to 3.4-3.
- b) All **passive uses** at or above grade should be screened behind an **active use** that has a minimum depth fronting each sub-area boundary as specified in the applicable Sub Area Zoning Schedule, with the exception of street grade entrances to parking. These **active uses** should have a minimum depth



of 12m fronting Harvey Avenue and Abbott and Water Streets, and 8m fronting Leon Avenue.

- c) **Passive uses** may front the portions of Harvey Avenue that are more than 25m from the intersections with the Water Street setback line, subject to being faced with a **green wall** (see figure 3.3.1).
- d) **Passive uses** are permitted on the 4th storey.
- e) Softer, curvilinear building forms are encouraged along the Harvey Avenue frontage to complement the **green wall** and its organic character (see Figure 3.4-1).
- f) The minimum spatial separation between facing window openings in residential uses below 38m in building height may be reduced from 25m, but should not be not less than 12m.

**3.4.c.2.2 Height (podium & tower)**

- a) The maximum building heights should be:
  - i) Tower site 9A 82m
- b) Within 12m from the Leon Avenue property line the maximum building height should be 22m, with the provision that no more than 50% of the gross floor area within the boundaries of this setback may be above 15m in building height.

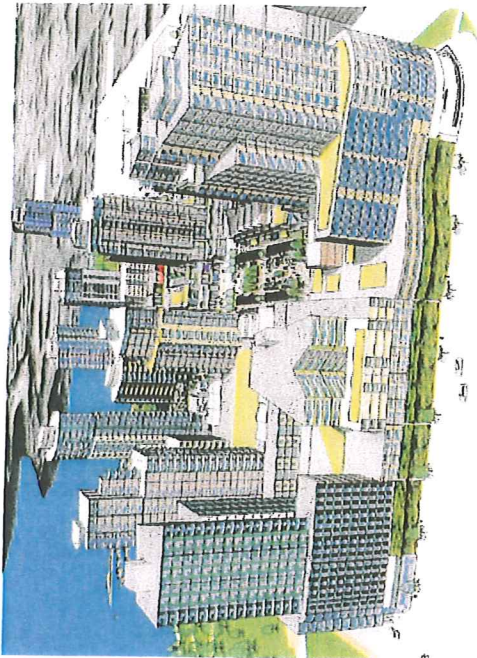
**3.4.c.2.3 Floor Plate**

- a) At storeys above the height of 22m above grade level, and subject to the setbacks noted below, the **maximum floor plate** should be as follows:

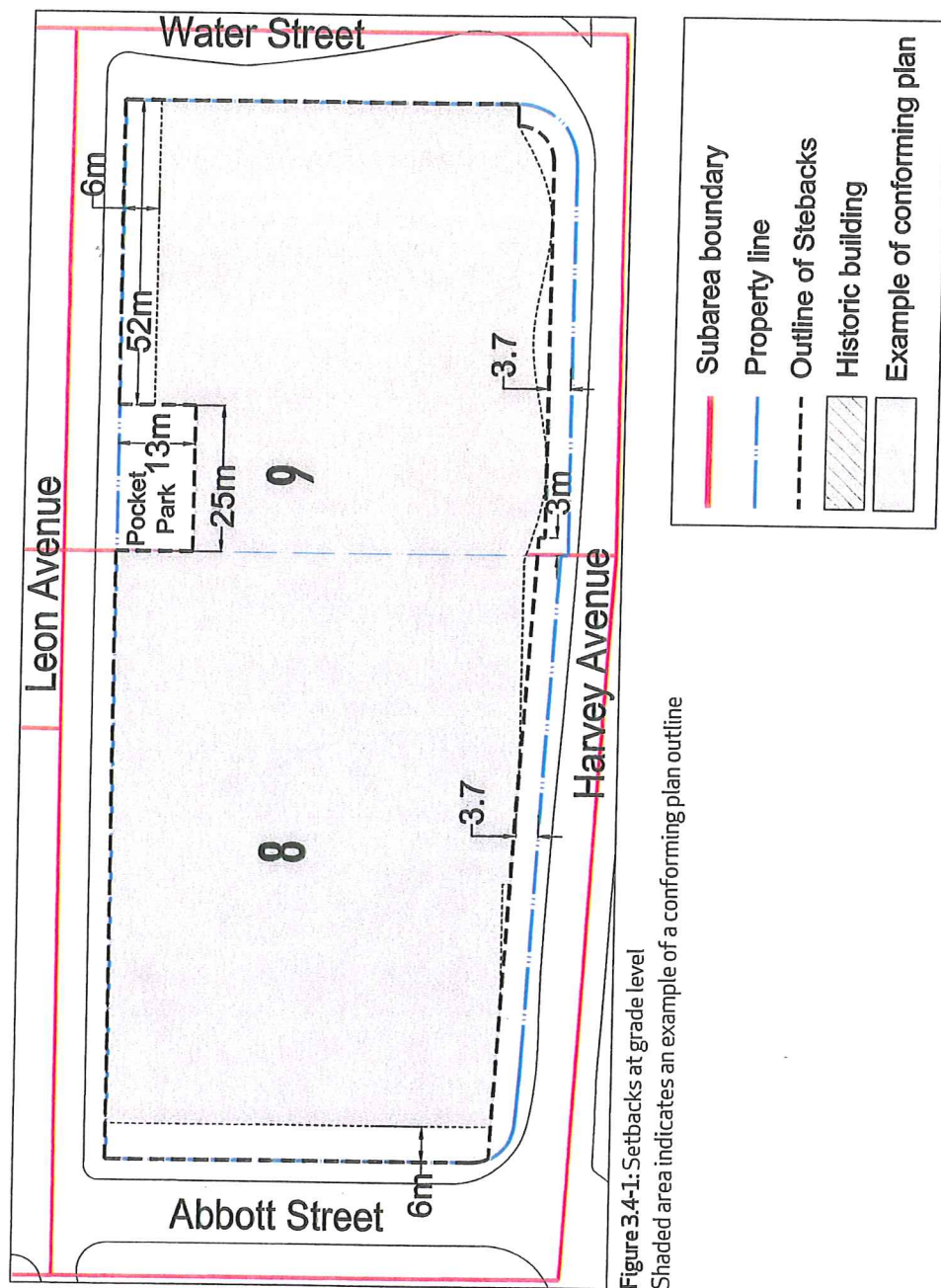
	up to max 38m height	up to max 65m height	above 65m height
i) Tower site 9A	subject to setbacks	1250 sq. m	600 sq. m

- b) A maximum of 35% of the gross floor area between the 12m and 20m setbacks from Leon Avenue should be higher than 22m.

- c) 20m should be the maximum building width between the 20m and the 36m setbacks from Leon above 38m in building height.
- d) 30m should be the maximum horizontal building dimension for any portion of a building above 65m in height.



Aerial view of sub area 8&9 from Harvey Avenue





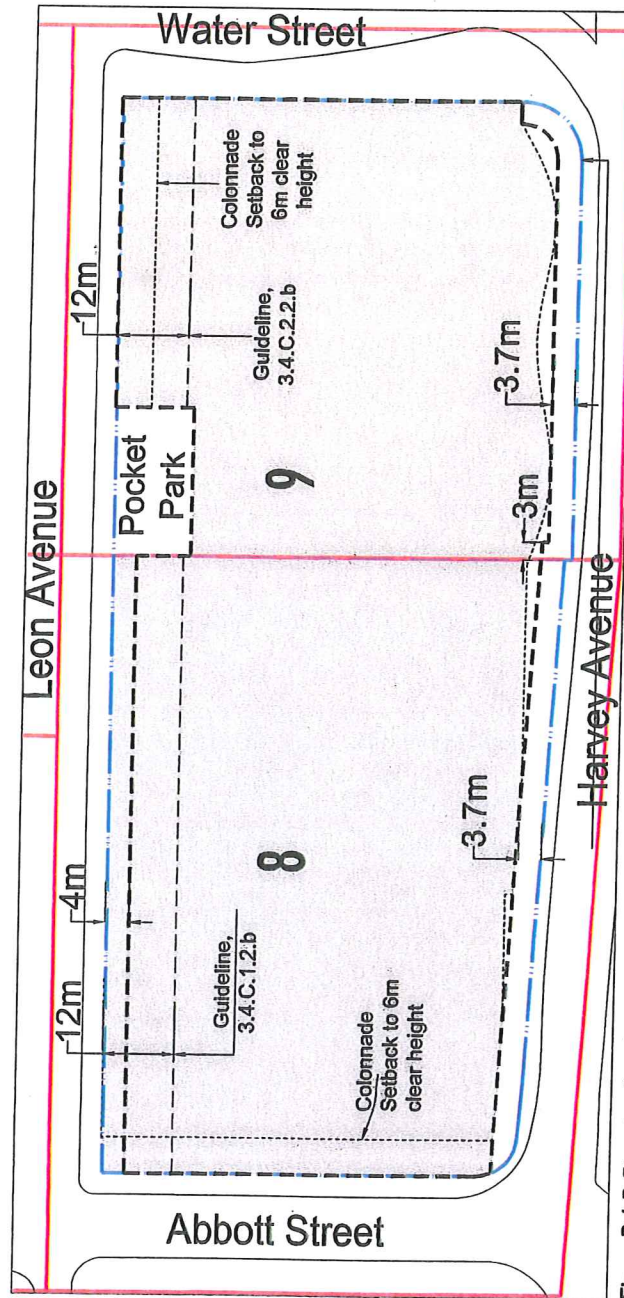
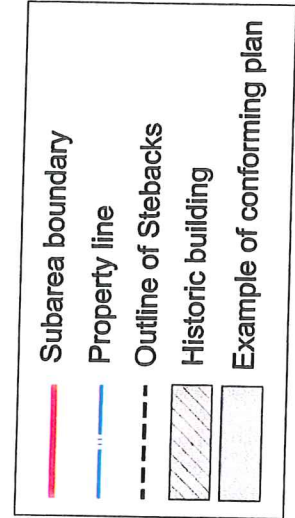
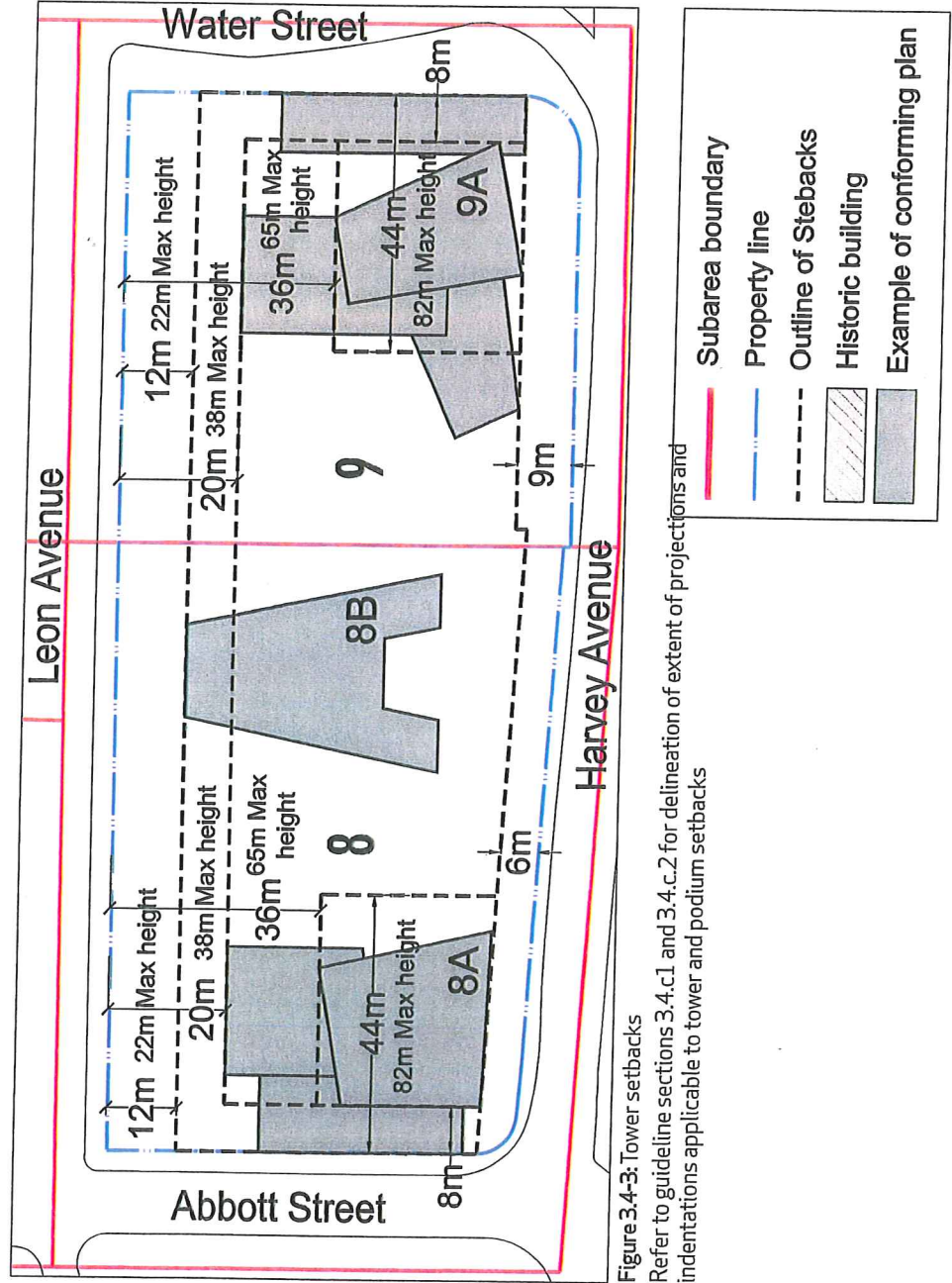


Figure 3.4-2: Streetwall setbacks  
Shaded area indicates an example of a conforming plan outline







# APPENDIX 1 – DEFINITIONS

All defined terms are highlighted in bold text within the document.

**Active uses** - includes all land uses permitted in the CD 21 Downtown Zone Bylaw unless identified as passive uses.

**Articulation zone** - a continuous 2m depth of space within a site's property line that is located immediately next to the public right-of-way, to a maximum height of 5m.

**Colonnade** - an evenly-spaced row of columns, typically supporting a roof structure.

**Floor plate** - the sum of the horizontal areas of the floor slab of each storey of a building, including balconies and decks, and all penetrations through the floor. Up to 500 mm of slab projection for not more than 50% of the building perimeter may be excluded from floor plate calculation for the purposes of providing rain protection or solar shading. The Net Floor Area calculation for storeys subject to floor plate limitations shall comprise a minimum of 80% of the floor plate.

**Green wall** - any portion of a wall enclosing a building floor area that allows or facilitates plants to thrive in a manner such that the plants cover or otherwise become the principal focus of the wall and define the walls overall visual character.

**Historic** - refers to the buildings or portions of buildings located along the 200 block of Bernard Avenue (north and south sides of the street) and the west side of the 1300 block of Water Street that comprise the existing streetscape character of these streets. It includes, but is not limited to any buildings on the City of Kelowna Heritage Register.

**Midrise** - portions of buildings between 15m and 33m in height.

Passive uses- includes vehicular parking, loading areas and storage.

**Podium** - that portion of any building up to a height of 22m measured from street level.

**Port Cochere** - a roofed structure extending from the entrance of a building over an adjacent driveway.

**Public Realm** - all outdoor spaces to which any member of the public has access; includes publicly-owned spaces such as all streets within the subject area, as

well as The Crossing and the Market Green. It also includes spaces on private property such as the recommended landscaped setbacks in Sub-Areas 4 and 9.

**Retail** - means commercial occupancies that engage the interest of pedestrians walking along the frontage of the occupancy; typically these are businesses that offer goods for sale that facilitate visually interesting window displays. Alternatively, they can be occupancies that provide a high degree of human animation such as that provided by food and beverage businesses.

**Rooftops** - any area on any roof of a building used for the enjoyment of building occupants and/or the public.

**Streetwall** - any exterior wall of a **podium** that faces the street or is otherwise open to public view; encompasses the **articulation zone**.

**Tower** - any portion of a building above 22 metres in height.

## APPENDIX 2 – ORGANIZING PRINCIPLES

At the outset of the CD 21 planning process, Council endorsed the following as principles to be followed in ensuring that the CD would be consistent, the objectives of the Kelowna Downtown Plan (2000):

- 1) Enhance Kelowna's identity nationally and internationally and enhance the identity of Downtown as Kelowna's principal Urban Centre.
- 2) Develop a viable mixed-use community that supports live, work and play opportunities for both residents and visitors.
- 3) Develop safe streets by providing more eyes and ears on the streets to reduce demand for law enforcement in the area.
- 4) Incorporate sustainable design principles by making efficient use of existing infrastructure, provide a stronger tax base, create an urban environment that facilitates pedestrian movement, incorporate a mixture of uses at densities that are economically viable and that will support public transit, and incorporate green building technologies.
- 5) Expand community amenities by enhancing public use of City, Kerry, and Stuart Parks, developing a major pier and enhanced short term public moorage, ensuring continuous public access along the lake, preserving identified view corridors, developing streetscape improvements consistent with a world class urban centre, increasing public open space and providing for a range of other amenities including eventual daycare facilities and school facilities in appropriate locations in the Downtown.
- 6) Create a concept plan that integrates well with adjoining areas including the identified Parks and Culture District.
- 7) Incorporate housing diversity in the Downtown by providing a range of housing types and tenures including affordable and special needs housing.
- 8) Respect Downtown's heritage assets.
- 9) Provide for Downtown amenity contributions as a condition of development shared equally by all benefiting lands, including future Downtown redevelopment where appropriate and where possible (i.e. daycare facilities, schools, offsite affordable housing).
- 10) Honour the City's agreement with the Province for movement of vehicles into and out of Kelowna for the new Bill Bennett Bridge.
- 11) Act as a catalyst for redevelopment for the remainder of Downtown.

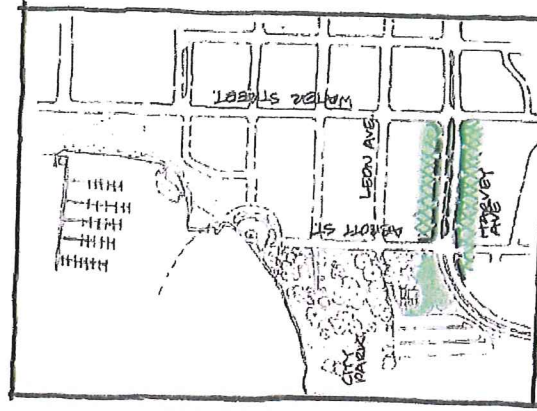
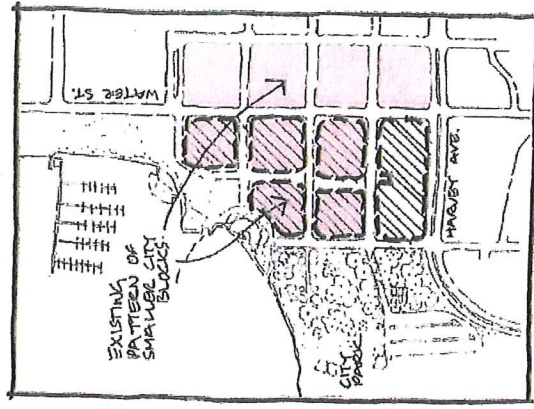
## APPENDIX 3 – URBAN DESIGN PRINCIPLES

Guided by the above principles, the plan for the CD 21 Zone has also been shaped in response to these Urban Design Principles as illustrated on the following pages:

- Principle 1:** Walkable urban pattern
- Principle 2:** Enhance Harvey Ave. as a greenbank boulevard
- Principle 3:** Mill St. connector between Bernard & Lawrence to redirect thru-traffic away from waterfront
- Principle 4:** Pandosy/Harvey intersection to develop as an "urban crossing" over the long term, connecting to the rest of city
- Principle 5:** Flex zone at Abbott & Bernard street-ends to support year-round urban activity
- Principle 6:** Optimise Kelowna sunshine period of 11:00am to 5:00pm
- Principle 7:** Respond to the diagonal pulls of pedestrian and vehicular patterns
- Principle 8:** Create a series of linked, memorable urban places
- Principle 9:** Integrate public realm with an axial progression of focal points
- Principle 10:** Highlight contrast of the park/city interface with strong urban and landscape forms
- Principle 11:** Knit City park with Downtown
- Principle 12:** Reinforce heritage continuum of city for the future:- fire hall, street scale, "sails", dock & pier

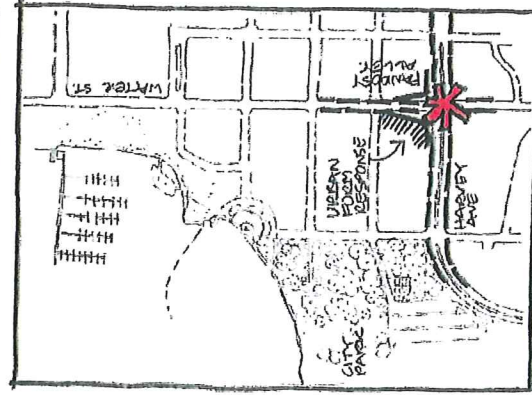
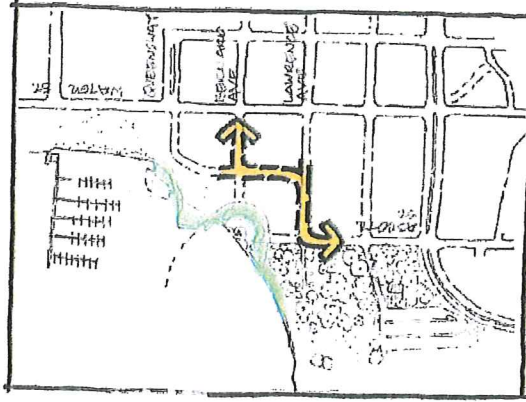


Principle 1: Walkable urban pattern



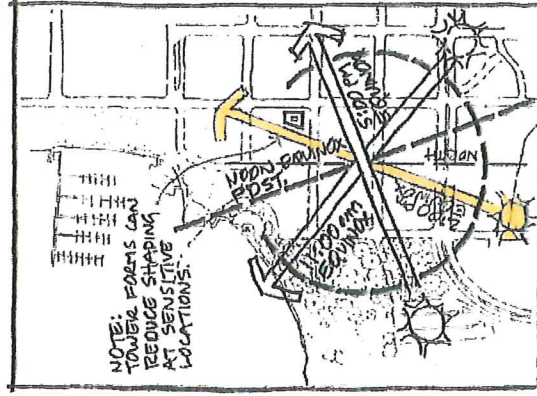
Principle 2: Enhance Harvey Ave. as a greenbank boulevard

Principle 3: Mill St. connector between Bernard & Lawrence to redirect thru-traffic away from waterfront



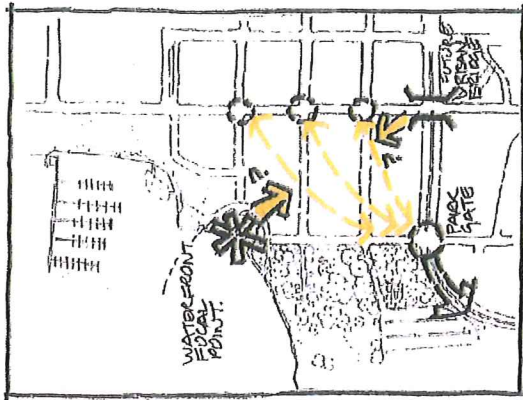
Principle 4: Pandosy/Harvey intersection to develop as an "urban crossing" over the long term, connecting to the rest of city

Principle 5: Flex zone at Abbott & Bernard street-ends to support year-round urban activity

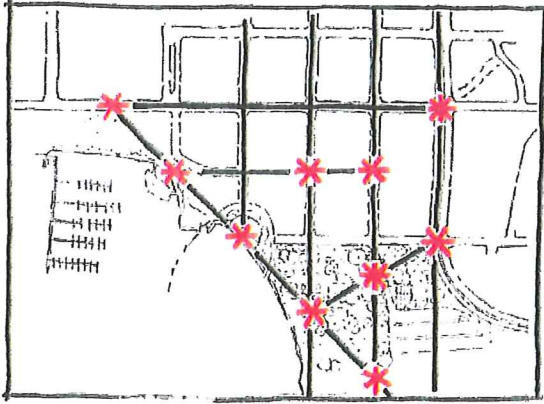


Principle 6: Optimise Kelowna sunshine period of 11:00am to 5:00pm

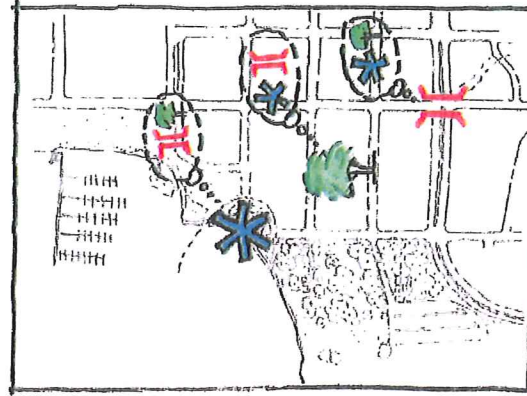
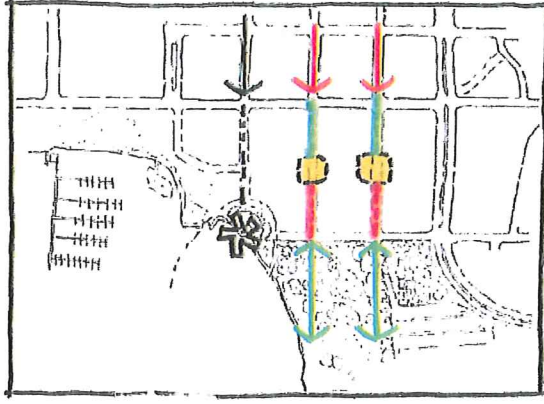
Principle 7: Respond to the diagonal pulls of pedestrian and vehicular patterns



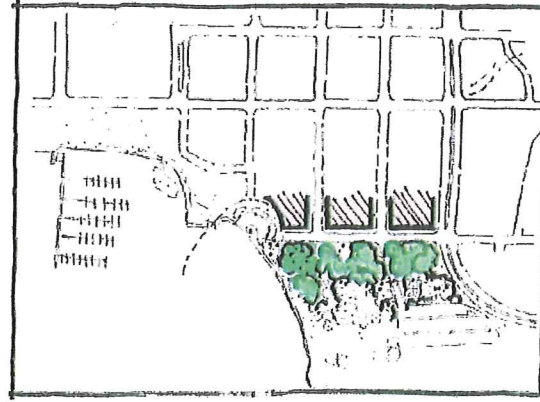
Principle 9: Integrate public realm with an axial progression of focal points



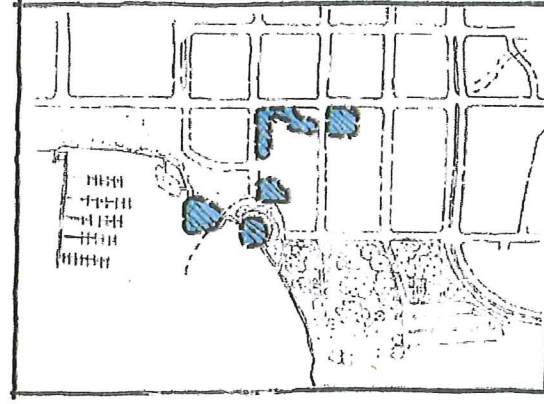
Principle 11: Knit City park with Downtown



Principle 8: Create a series of linked, memorable urban places



Principle 10: Highlight contrast of the park/city interface with strong urban and landscape forms



Principle 12: Reinforce heritage continuum of city for the future- fire hall, street scale, "sails", dock & pier



**CD-21 DOWNTOWN ZONE BYLAW**

**CD-21 Downtown Sub-Area \_\_\_\_\_**

**HERITAGE REVITALIZATION AGREEMENT**

This Agreement dated as of the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

BETWEEN:

CITY OF KELOWNA, a Municipal Corporation having  
offices at 1435 Water Street, Kelowna, British Columbia  
V1Y 1J4

(herein called the "City")

OF THE FIRST PART

AND:

WHEREAS:

- A. The City may, by bylaw, enter into a Heritage Revitalization Agreement with an Owner of property identified as having heritage value, pursuant to Section 986 of the *Local Government Act*;
- B. The Owner owns certain real property on which is situated a building of heritage value listed on the Heritage Register, which building has a civic address of \_\_\_\_\_ Kelowna, B.C. (the "Heritage Building") and is on land legally described as:

PID NO: \_\_\_\_\_

\_\_\_\_\_

(the "Lands")

- C. The Owner has presented to the City a plan to develop and build on the Lands in accordance with the regulations and guidelines applicable to CD-21 Downtown Sub-Area \_\_\_\_\_, which plan includes specifications and details for the preservation of the Heritage Building;
- D. The Owner has voluntarily and without any requirement by the City, agreed to enter into this agreement pursuant to the CD-21 Downtown Zoning regulations and Section 966 of the *Local Government Act*;

- E. This Heritage Revitalization Agreement does not permit a change of use or density that is not already authorized by the provisions of the applicable CD-21 Downtown Zoning Bylaw.
- F. Within thirty days after entering into, or amending, a Heritage Revitalization Agreement, the local government must file a notice in the Land Title Office in accordance with Section 976 of the *Local Government Act* and give notice to the Minister responsible for the *Heritage Conservation Act* in accordance with Section 977 of the *Local Government Act*;

NOW THEREFORE in consideration of the Amenity Bonus Density provided in CD-21 Downtown Sub-Area \_\_\_\_\_ Zoning Schedule, and the mutual promises contained in this Agreement, the parties agree as follows:

### **1.0 Heritage Revitalization**

- 1.1 The parties agree that the Heritage Building has heritage value, deserving of protection and conservation and the Owner agrees and covenants to restore, maintain, preserve and protect the heritage character of the buildings located on the Lands all in strict conformance with the standards, specifications and detail on the plans attached as Schedule "A".
- 1.2 The parties agree that, except as varied or supplemented by the provisions of this Agreement, all bylaws, regulations and Development Permit Guidelines of the City and all laws of any authority having jurisdiction shall apply to the Lands and the Heritage Building.
- 1.3 Where a Heritage Alteration Permit is required, the discretion to approve, refuse, or revise such permit is delegated by Council to the Director of Planning and Development Services.

### **2.0 Conservation and Maintenance of Existing Development.**

- 2.1 The Owner agrees not to alter the exterior of the Heritage Building except pursuant to a heritage alteration permit.
- 2.2 The Owner agrees to restore the exterior of the Heritage Building on the Lands in general accordance with the design proposal attached hereto as Schedule "A", and in accordance with any CD-21 Downtown Development Permit Guidelines that are applicable, and which restoration (the "Restoration Works") shall include, but not be restricted to the following:
  - (a) =
  - (b) =



- 2.3 If original features must be replaced, the new material shall be similar or identical to the original. Where original features were removed through earlier renovations or alterations and the replacements were not in keeping with the original style of the building, any subsequent replacement of these features shall complement the building's heritage style.
- 2.4 The Owner agrees to undertake and maintain landscaping on the subject property in general accordance with the landscape plans attached hereto as Schedules "B" (the "Landscaping Works").

### **3.0 Commencement and Completion**

- 3.1 The Owner agrees to commence the Restoration Works and Landscaping Works, forthwith upon adoption of City of Kelowna Heritage Revitalization Agreement Authorization Bylaw No. \_\_\_\_, which will authorize the City to enter this Agreement, and the Owner agrees to complete all such Works no later than \_\_\_\_\_, \_\_\_\_\_.

### **4.0 Damage or Destruction**

- 4.1 In the event that the Heritage Building is damaged to no more than 75% of its value above the foundations, the parties agree as follows:

- (a) the Owner may repair the Heritage Building in which event the Owner shall forthwith commence the repair work and complete same within one year of the date of damage;

OR, in the event that the Heritage Building is destroyed beyond 75% of its value above the foundations,

- (b) the City may, by bylaw, and after conducting a Public Hearing in the manner prescribed by Sections 890 through 894 of the *Local Government Act*, cancel this agreement, whereupon all use and occupation of the Heritage Lands shall thenceforth be in accordance with the applicable zoning bylaws of the City and in accordance with all other bylaws or regulations of the City or any other laws of authority having jurisdiction.

### **5.0 Amendment**

- 5.1 The parties acknowledge and agree that this Agreement may only be amended by one of the following means:
- (a) by bylaw with the consent of the parties provided that a Public Hearing shall be held if an amendment would permit a change to use or density of use on site or;
- (b) by Heritage Alteration Permit (HAP), issued pursuant to Section 972 of the *Local Government Act*.

## **6.0 Representations**

- 6.1 It is mutually understood and agreed upon between the parties that the City has made no representations, covenants, warranties, promises or agreements expressed or implied, other than those expressly contained in this Agreement.

## **7.0 Statutory Functions**

- 7.1 Except as expressly varied or supplemented herein, this Agreement shall not prejudice or affect the rights and powers of the City in the exercise of its statutory functions and responsibilities including, but not limited to, the *Local Government Act* and its rights and powers under any enactments, bylaws, order or regulations, all of which, except as expressly varied or supplemented herein, are applicable to the Heritage Lands.

## **8.0 Enurement**

- 8.1 This Agreement enures to the benefit of and is binding upon the parties hereto and pursuant to S. 966 of the *Local Government Act* is binding on all persons who acquire an interest in the Lands.

## **9.0 Other Documents**

- 9.1 The Owner agrees at the request of the City, to execute and deliver or cause to be executed and delivered all such further agreements, documents and instruments and to do and perform or cause to be done and performed all such acts and things as may be required in the opinion of the City to give full effect to the intent of this Agreement.

## **10.0 Notices**

- 10.1 Any notice required to be given pursuant to this Agreement shall be in writing and shall either be delivered mailed by registered mail as follows:

- (a) To the City:

City of Kelowna  
1435 Water Street  
Kelowna, B.C. V1Y 1J4

ATTENTION: City Clerk

- (b) To the Owner:

## **11.0 No Partnership or Agency**

- 11.1 The parties agree that nothing contained herein creates a relationship between the parties of partnership, joint venture or agency.



IN WITNESS WHEREOF this Agreement has been executed by the parties hereto on the day and year first above written.

CITY OF KELOWNA  
by its authorized signatories

\_\_\_\_\_  
Mayor

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

\_\_\_\_\_  
  
\_\_\_\_\_

In the presence of:

\_\_\_\_\_  
Witness (print name)

\_\_\_\_\_  
Witness (Signature)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Occupation