

# REPORT TO COUNCIL



**Date:** May 24, 2012  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability (JM)  
**Application:** OCP09-0016/Z09-0071/TA09-0007    **Owner:** Calcan Investments Ltd.  
**Address:** 5505 Chute Lake Road    **Applicant:** Calcan Investments Ltd.  
**Subject:** OCP Amendment, Rezoning Application, Text Amendment

**Existing OCP Designation:** Major Park and Open Space  
Single/Two Unit Residential (Hillside)  
**Proposed OCP Designation:** Major Park and Open Space  
Single/Two Unit Residential (Hillside)  
Multiple Unit Residential (Low Density)  
**Existing Zone:** A1 - Agriculture 1  
**Proposed Zones:** RH1 - Hillside Large Lot Residential  
RH2 - Hillside Two Dwelling Housing  
RH3 - Hillside Cluster Housing  
P3 - Parks and Open Space

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## 1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP09-0016 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of a portion of The North East ¼, Section 14, Township 28, SDYD, Except Plan KAP57304, located on 5505 Chute Lake Road, Kelowna, BC from the Major Park and Open Space designation to the Single/Two Unit Residential (Hillside) designation, as shown on Map "A" attached to the Report of Land Use Management Department dated May 24, 2012, be considered by Council;

AND THAT Council considers the Advisory Planning Commission public process to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*, as outlined in the Report of the Land Use Management Department dated May 24, 2012;

AND THAT Zoning Bylaw Text Amendment No. TA09-0007 to amend City of Kelowna Zoning Bylaw No. 8000 by introducing three new hillside zones, including RH1 - Hillside Large Lot Residential, RH2 - Hillside Two Dwelling Housing, and RH3 - Hillside Cluster Housing, as outlined in the Report of the Land Use Management Department dated May 24, 2012, be considered by Council;

AND THAT Zone Amendment Bylaw No. 10668 to amend City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification for a portion of The North East ¼, Section 14, Township 28, SDYD, Except Plan KAP57304, located on 5505 Chute Lake Road, Kelowna, BC, from the A1 - Agriculture 1 zone to the RH1 - Hillside Large Lot Residential and P3 - Parks and Open Space

zones, as shown on Map "B" attached to the report of the Land Use Management Department, dated May 24, 2012, be considered by Council;

AND THAT Zone Amendment Bylaw No. 10669 to amend City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification for a portion of The North East ¼, Section 14, Township 28, SDYD, Except Plan KAP57304, located on 5505 Chute Lake Road, Kelowna, BC, from the A1 - Agriculture 1 zone and to the RH3 - Hillside Cluster Housing, as shown on Map "B" attached to the report of the Land Use Management Department, dated May 24, 2012, be considered by Council;

AND THAT the Official Community Plan Amendment Bylaw, Text Amendment Bylaw and the Zone Amending Bylaws be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zone Amending Bylaw No. 10669 be considered in conjunction with Council's consideration of a Development Permit for the subject property;

AND THAT final adoption of the Zone Amending Bylaw Nos. 10668 and 10669 be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND THAT Council direct staff to evaluate the hillside zones and to report back to Council within 2 years of the adoption of the Text Amendment Bylaw.

## **2.0 Purpose**

The applicant is seeking to make several minor amendments to the Official Community Plan (OCP), as shown in the attached "Map A", in order to better reflect the boundaries of the developable areas.

Concurrently, the applicant is proposing to rezone the subject property from the A1 - Agriculture 1 zone to the P3 - Parks and Open Space zone and to the proposed RH1 - Hillside Large Lot Residential, and RH3 - Hillside Cluster Housing zones in order to facilitate a hillside residential subdivision. These new zones serve to implement the City's Hillside Development Guidelines.

Those portions of the parcel to be designated RH3 are subject to a development permit for the form and character of any multi-unit development. The applicant is not prepared to move forward at that level of detail at this time, so the application has been separated into two bylaws, one dealing with the single family component and the other dealing with the multi-unit component. Should the application be approved by Council, it is anticipated that the bylaw addressing the multi-unit development will be held at 3<sup>rd</sup> reading, pending submission of the required Development Permit.

## **3.0 Land Use Management**

The subject application has been part of what has become a pilot project for hillside development - an on-the-ground effort to implement Council's adopted Hillside Development Guidelines (see attachment). The applicant group has been very receptive to comments and suggestions of staff and the end result is an improved project. For the purposes of the following analysis, the text amendment and rezoning applications will be discussed separately below.

### Land Use

Land Use Management staff are generally supportive of the proposed development, as it is seen to conform generally to the Official Community Plan (OCP) vision for hillside development and with the density provided in the Southwest Mission Sector Plan.

The proposal takes advantage of the natural topography of the land, resulting in an atypical pattern of development that is suited to small “clusters” of units. This layout achieves multiple OCP objectives, such as:

- increased natural area protection;
- reduced grading (cuts/fills); and
- reduced visual impact.

The proposal will result in the protection of approximately 53.0% of the total site, which is a substantial public benefit and includes opportunities for active and passive recreation. In addition to the recreation opportunities, the protected lands include all the major environmentally sensitive portions of the parcel, including two riparian corridors, and will provide important habitat and wildlife corridors in perpetuity.

In exchange for this large land dedication, the applicant is seeking to develop a wider variety of housing forms on those portions of the parcel that are suitable for development than what is typically seen in hillside development. This concept is known as “cluster housing”. In cluster housing, a developer constructs denser “clusters” of units that may feature a mix of housing forms (single family, two dwelling housing and multi-unit) in exchange for the protection of a large amount of natural area. This is seen to be a preferable option to more traditional forms of hillside development that witnessed large lot single family development covering substantial portions of a hillside parcel and having substantial visual impact through cuts, fills and required roads.

In this particular development proposal, the applicant is seeking to create 72 fee simple single family lots, and up to 40 units consisting of a mix of bareland strata single family, two dwelling housing, and townhomes. The total unit count on the parcel is expected to be roughly 112 units. This diversity of housing forms is further supported by the OCP, as it serves to create a more complete community accessible to a wider variety of local residents.

However, developing clusters in a manner consistent *with* the natural topography presents its own challenges. For instance, the OCP promotes the connectivity of residential neighbourhoods, both to each other and to local services. These connections should not be focused entirely on vehicular travel, but should provide opportunities for active modes of transportation as well. The relative isolation of these clusters makes these objectives far more challenging to achieve. In an effort to address this challenge, the applicant proposes to link the communities to a trail system that is more broadly linked throughout the southwest mission. Using this network, a resident of the proposed development will be able to walk or cycle to nearby neighbourhoods and their services.

Overall, the proposed zoning represents a strong effort at balancing the multiple, and sometimes competing, objectives of the OCP. It is envisioned that the proposal will serve as a model for future hillside development in the valley, having a layout, servicing and road network that will be visually distinct as a hillside community.

#### Text Amendment

In order to implement the objectives of the OCP and the Council endorsed Hillside Development Guidelines, Staff have developed three new hillside zones in concert with the applicant team. These zones have been accepted by both parties. The zones are:

- RH1 - Hillside Large Lot Residential
- RH2 - Hillside Two Dwelling Housing

- **RH3 - Hillside Cluster Housing**

Presently, the zoning regulations for hillside development are limited in their effect, and consist principally of slight alterations to zones crafted originally for development in low lying areas. The proposed new hillside zones have been crafted specifically for use in areas designated for hillside residential in the OCP, and recognize at a fundamental level that hillside development requires a greater attention to detail, greater sensitivity to topography and to context. But, while stricter regulation is called for in some areas, the zones overall attempt to provide flexibility and economically efficient options for the development community.

To begin, it must be recognized that zones only address the creation of parcels and the regulation of development thereon. Servicing of these parcels, such as roadways, are a critical component of a new approach to hillside development, but are contained in the Subdivision Servicing Bylaw and are not addressed in this report.

Within the limitations of what can be accomplished using zoning regulations, the proposed hillside zones address the major objectives of hillside development in the following manner:

**Natural Area Protection:**

For many residents of Kelowna, hillside areas hold significant aesthetic value as natural areas. Natural rolling hills certainly represent an important local amenity. By virtue of their broad exposure, development on hillsides is also far more visible than development in low lying areas. Using this as a starting point, it is critical that new hillside zones have a strong emphasis on natural area preservation.

While the proposed single/two unit zones (RH1 and RH2) represent a fairly standard approach to natural area preservation and are intended to be implemented alongside Natural Environment and Hazardous Conditions Development Permits, the RH3 - Hillside Cluster Housing zone embodies the new approach to natural area preservation on hillsides. It provides ultimate flexibility in housing forms and densities and ensures that the dedication of natural lands by a land owner will not result in a density reduction. The zone rewards natural area protection and a reduction in the footprint of development by providing for increased density and flexibility in housing forms in those reduced development areas.

**Reduced Visual Impact:**

The proposed zones include multiple provisions that seek to reduce the visual impact of hillside development. The zones require a greater degree of building articulation on the downslope face of buildings. This reduces visible building massing both for nearby residents and for residents in the valley bottom.

A new definition of building height attempts to find a balance between flexibility, ease of use, and reduced visual impact of hillside development. The new height definition introduces a regimen for site grading that places increased accountability with the land developer for critical cuts, fills, and major retaining. The mechanisms for defining and measuring height, and their corresponding impact on site grading, will ensure that new buildings and lots conform more closely to the natural topography.

Setback regulations also provide developers with several options. All of the options place a greater emphasis on coordinating the preservation of view corridors. This preserves the amenity of the area for residents and also breaks up the visual uniformity of typical hillside development as seen from a distance.

At a fundamental level, the proposed zones recognize that the density that would be appropriate in low lying urban areas is not appropriate for hillside areas. The zones feature a

slightly reduced density, but provide an incentive for walk-ups, versus walk-outs, as walk-ups are seen to have a lower visual impact.

A further incentive is provided to reduce the massing of new homes generally. Homes that do not exceed two storeys benefit from increased site coverage, reduced articulation requirements, and reduced building setbacks.

**Flexibility:**

The new hillside zones feature several measures to provide flexibility to the development community. Two options are provided for achieving setback requirements, lot areas are reduced, lot sizes are averaged over development phases, and building articulation requirements are highly flexible, to name a few.

However, perhaps the most important note in flexibility is the incentive program developed to encourage two-storey development. The result of the incentives is that development limited to two storeys is less expensive and is subject to fewer regulations than are larger housing forms on hillsides.

Certainly, hillside development brings with it several costs not typically witnessed in low lying urban areas, such as increased site grading and servicing costs. Also, creating development that addresses the objectives of the Hillside Development Guidelines may result in some increased costs. However, in recognition of this, staff have attempted to provide options that allow a developer to keep costs down, while also achieving the objectives of good hillside development.

Significant effort has been expended in crafting zones that can be implemented practically. To ensure this, Staff has worked closely with local building designers, the Urban Development Institute (UDI) and the Canadian Home Builders' Association (CHBA). After the new zones are adopted, staff is committed to continuing a close dialogue with the UDI/CHBA in order to monitor the implementation of the zones to ensure that technical issues are addressed via interpretation updates, text amendments or staff training. UDI/CHBA and Staff have agreed that a 2 year time frame should allow adequate time to determine the effect of the zones on hillside development, and that a full review should be conducted at that time.

Further, Staff recognize that these zones break new ground in the regulation of hillside development, and that training will be required, both for City staff, and for members of the development community. Staff is committed to providing multiple opportunities for training for the both groups.

Summary:

The proposed development represents a strong example of hillside development that balances the policies of the OCP and that addresses the objectives of the Hillside Development Guidelines. The applicant team has been exceptionally collaborative in their effort to develop new hillside zones that meet the needs of both the development community and of the community at large.

**4.0 Proposal**

**4.1 Background**

As single family development in Kelowna has been forced to the periphery in recent years, the city has seen a proliferation of hillside development. Inherent in hillside development in Kelowna are several major challenges such as environmental preservation, servicing constraints due to steep grades, visual impact, geotechnical and hydro-geological hazards, and wildfire hazards, to name a few. Certainly, development on hillsides is complicated and demands a higher degree of

care and attention. The difficulty in addressing these challenges has resulted in both positive and negative examples of hillside development in the valley.

In order to encourage more effective hillside development, Council endorsed the *Hillside Development Guidelines*<sup>1</sup> in 2009. The Applicant has devoted considerable resources to engage with City staff in a genuine attempt to take Council's direction and to develop in accordance with these new guidelines. The result of this engagement is the creation of three new zones that aim to implement the principles and objectives of hillside development that is sensitive to the environment, aesthetically pleasing, and functionally appropriate.

In addition, as part of the Hillside Review process, the City has engaged a joint committee of UDI and CHBA members in an on-going series of meetings to review proposed updates to the Zoning Bylaw, among other items. Both groups have provided valuable feedback that has been used to help craft the proposed zones in a manner which provides the maximum possible flexibility to the development community while still implementing/respecting the recommendations contained in the Hillside Development Guidelines.

As an integral component of the development of the Hillside Development Guidelines and their implementation in the form of the proposed new zones, the City retained the services of Planner/Engineer Bob Twerdoff. Mr. Twerdoff brought his considerable hillside development experience from local governments across the province to bear on the Kelowna context. His involvement throughout the process has also added continuity and clarity of purpose.

Under the previous Official Community Plan (OCP), the subject lands were designated for Single/Two Unit Residential and Major Park/Open Space. Based on this, the proponent's original application included a request to amend the OCP to permit hillside residential development. This request was subsequently incorporated in the development of the current OCP. OCP Future Land Use designation mapping was conducted at a macro-level for the City at-large and was refined for this site, recognizing the various topographic, geotechnical, natural environment, and servicing challenges posed. The refined mapping reflects the reality of smaller developable areas and larger areas of natural open space. However, when this mapping was refined, the hillside zones were still under development and the future property lines of the proposed development itself were under review. Both these items have subsequently been finalized. Based on this, it has been determined that a final OCP amendment is required to reflect the final development proposal. The amendment includes some minor boundary adjustments to match the refined property lines, and a change in Future Land Use (FLU) for portions of the parcel from PARK - Major Park and Open Space to S2RESH - Single/Two Unit Residential (Hillside).

#### 4.2 Project Description

The applicant proposes to develop a total of up to 72 single detached housing units in four separate pockets - or "clusters" - on the parcel. An additional portion of the parcel is proposed to contain approximately 40 units of multi-unit residential in the form of townhouses. These clusters are situated on existing flat benches or on areas having a gentler slope (see Attached "Map A"). 72 lots are to be fee simple lots zoned RH1, while the remainder is to be zoned RH3 to accommodate up to 40 units of cluster housing. The northern portion of the parcel will contain the largest concentration of units, with the majority of the remainder to be developed on the west side of Chute Lake Road. Only approximately six residential units are proposed for the south-eastern pocket.

The principal access to these lots is presently from Chute Lake Road, which will be realigned and re-graded to updated standards sensitive to the hillside context. Once adjacent properties to the

<sup>1</sup> City of Kelowna, "Hillside Development Guidelines", October, 2009.

east are developed, Upper Mission Drive will be extended and will function as a second principal access to the parcel. In order to access the pocket south of Cedar Creek and west of Chute Lake Road, two small roadways will be developed.

In concert with the residential development, and in accordance with the OCP, the applicant proposes to construct several large public trails through the parcel (see attached Trail Plan). The trails will principally flow east-west alongside the riparian corridors on the parcel and will connect to existing and/or planned trails offsite.

Outside of those areas zoned and designated for residential development, the applicant proposes to dedicate the remainder of the parcel to the City as parkland. This area represents 53.0% of the total parcel or 21.92 ha in land area. This area includes all of the highest value habitat on the parcel, as identified by a report prepared by a Qualified Environmental Professional.<sup>2</sup>

The proposed development will trigger multiple development permit requirements, including a Natural Environment and Hazardous Conditions Development Permit, and an Intensive Residential - Hillside Development Permit, which may be executed at a staff level. Any multi-unit development on site will also trigger a Comprehensive Development Permit to address form and character requirements, which will be subject to Council approval.

#### 4.3 Site Context

The subject property is approximately 41.36 ha in area and is located adjacent to the City boundary in the Southwest Mission area, south of Kettle Valley, with frontage on Chute Lake Road. Elevations on the properties are in the range of 534 to 737 metres above sea level (masl) with an overall change in elevation of 203 m (666 feet). Lower elevations are found nearer to Kettle Valley and higher elevations are found at the City boundary along the extreme southern edge of the site.

Portions of the subject property are subject to Natural Environment, Wildland Fire Hazard, and Hazardous Condition Development Permit Areas. Furthermore, City of Kelowna environmental inventories have identified a wetland, two streams (Cedar Creek and an unnamed tributary of the same), and two sensitive ecosystems on the site (riparian gully and coniferous woodland). The subject property is within the Permanent Growth Boundary.

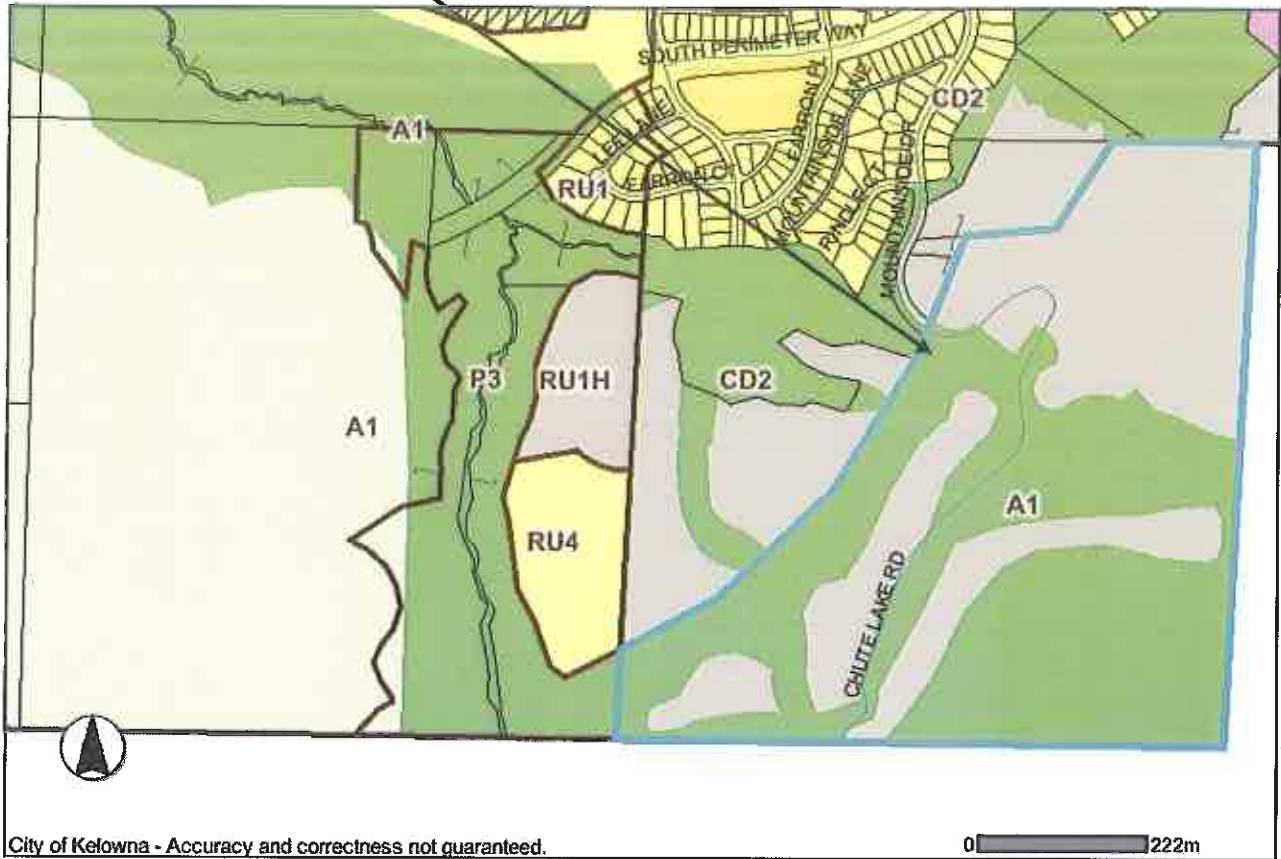
The surrounding area is predominantly undeveloped, except for portions of Kettle Valley to the south. Specifically, the adjacent zones are:

Specifically, adjacent land uses are as follows:

Orientation	Zoning
North	CD2 - Kettle Valley Comprehensive Residential Development
East	Regional District of Central Okanagan
South	Regional District of Central Okanagan
West	CD2 - Kettle Valley Comprehensive Residential Development P3 - Parks and Open Space, RU4 - Low Density Cluster Housing

<sup>2</sup> Summit Environmental Consultants Ltd. "Calcan Investments Inc.: Environmental Impact Assessment", November 2009.

Subject Property Map: 5505 Chute Lake Road



City of Kelowna - Accuracy and correctness not guaranteed.

0 222m

4.4 Zoning Analysis Table

Zoning Analysis Table				
CRITERIA	RH1 ZONE REQUIREMENTS	PROPOSAL	RH3 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations				
Lot Area and Density	600 m <sup>2</sup>	614 m <sup>2</sup> - 1,934 m <sup>2</sup>	- Site Area 5,000 m <sup>2</sup> - Density 22 units per hectare	5,000 m <sup>2</sup>
Lot Width	16.0 m for upslope lots, 18.0 m for downslope lots	19.1 m - 32.6 m	TBD	TBD



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Goals for a Sustainable Future

**Contain Urban Growth.**<sup>3</sup> Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

**Protect and Enhance Natural Areas.**<sup>4</sup> Protect and enhance natural areas by creating an open space network that protects sensitive ecosystems, including watersheds, and links important habitat areas.

#### Development Process

**Permanent Growth Boundary.**<sup>5</sup> Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. Support development of property outside the Permanent Growth Boundary for more intensive uses only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except as per Council's specific amendment of this policy.

**Maximize Pedestrian / Cycling Connectivity.**<sup>6</sup> Require that pedestrian and cyclist movement and infrastructure be addressed in the review and approval of all City and private sector developments, including provision of sidewalks and trails and recognition of frequently used connections and informal pedestrian routes.

**Dedication of Linear Parks.**<sup>7</sup> At subdivision and rezoning for all development types secure a minimum 10-metre wide linear corridor for public access as included in Table 5.1 Linear Park - Public Access and/or are shown on Map 5.9 - Linear Corridors / Paths.

**Protect Sensitive Areas.**<sup>8</sup> Sensitive environmental areas and riparian management areas (RMA) will be protected by siting trails beyond their boundaries, unless there are absolutely no alternatives.

**No Net Loss of Aquatic Habitat Productivity.**<sup>9</sup> Require "no net loss" with respect to land use decisions that affect aquatic habitat based on the "no net loss" principle of the Department of Fisheries and Oceans policy.

**No Net Loss of Terrestrial Habitat.**<sup>10</sup> Require that "no net loss" in the productive capacity of important and/or critical terrestrial habitats as determined through environmental assessment in land use decisions and project approvals that affect terrestrial habitats as identified on the Natural Environment DP Map 5.5.

**Environmentally Sensitive Area Linkages.**<sup>11</sup> Ensure that development activity does not compromise the ecological function of environmentally sensitive areas and maintains the integrity of plant and wildlife corridors.

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<sup>3</sup> City of Kelowna Official Community Plan, Chapter 1, Goal 1.

<sup>4</sup> City of Kelowna Official Community Plan, Chapter 1, Goal 6.

<sup>5</sup> City of Kelowna Official Community Plan, Chapter 5, Policy 5.3.1.

<sup>6</sup> City of Kelowna Official Community Plan, Chapter 5, Policy 5.10.1

<sup>7</sup> City of Kelowna Official Community Plan, Chapter 5, Policy 5.14.2.

<sup>8</sup> City of Kelowna Official Community Plan, Chapter 5, Policy 5.14.4.

<sup>9</sup> City of Kelowna Official Community Plan, Chapter 5, Policy 5.15.1.

<sup>10</sup> City of Kelowna Official Community Plan, Chapter 5, Policy 5.15.2.

<sup>11</sup> City of Kelowna Official Community Plan, Chapter 5, Policy 5.15.3.

**Steep Slopes.**<sup>12</sup> Prohibit development on steep slopes (+30% or greater for a minimum distance of 10 metres) except where provided for in ASPs adopted or subdivisions approved prior to adoption of OCP Bylaw 10500.

**Access Through Steep Slopes.**<sup>13</sup> Discourage roads (public or private) through +30% slope areas intended to access lands beyond, except in cases where it can be demonstrated the road will be sensitively integrated (visual and aesthetic impacts minimized) with the natural environment and will present no hazards to persons or property, environmental threats or unreasonable servicing or maintenance challenges.

**Cluster Housing.**<sup>14</sup> Require new residential development to be in the form of cluster housing on / or near environmentally sensitive areas and areas of steeper slopes to lessen site disturbance and environmental impact on those areas identified on the Future Land Use Map 4.1 as single-two unit residential hillside. Steeply sloped areas should be retained as natural open space, public or private. The intent of the clustering would be to preserve features identified through the Development Permit process that otherwise might be developed and to maximize open space in order to:

- a. Protect environmentally sensitive areas of a development site and preserve them on a permanent basis utilizing the most appropriate tools available;
- b. Facilitate creative and flexible site design that is sensitive to the land's natural features and adaptive to the natural topography;
- c. Decrease or minimize non-point source (i.e. asphalt roofs, driveways and parking) pollution impacts by reducing the amount of impervious surfaces in site development;
- d. Promote overall cost savings on infrastructure installation and maintenance; and
- e. Provide opportunities for social interaction, walking and hiking in open space areas.

**Hydro-Geologically Sensitive Areas.**<sup>15</sup> Require an assessment of potential ground and surface water seepage as part of any subdivision on hillside lands in excess of 20% slope.

**Design for People and Nature.**<sup>16</sup> Structure new neighbourhoods around parks, pedestrian and bike routes, open spaces, and environmental areas, rather than around roadways and cars.

### Infrastructure

**New Residential Developments.**<sup>17</sup> Ensure that new residential developments and subdivisions have active transportation links to the nearest arterial or major collector roads at developer cost.

**Housing Mix.**<sup>18</sup> Deliver services and infrastructure and create financial structures that will support the aim of having 57% of new housing units in the form of townhouses and apartments.

## 5.2 Hillside Development Guidelines<sup>19</sup>

### Vision:

<sup>12</sup> City of Kelowna Official Community Plan, Chapter 5, Policy 5.15.12.

<sup>13</sup> City of Kelowna Official Community Plan, Chapter 5, Policy 5.15.13.

<sup>14</sup> City of Kelowna Official Community Plan, Chapter 5, Policy 5.22.1.

<sup>15</sup> City of Kelowna Official Community Plan, Chapter 5, Policy 5.36.1.

<sup>16</sup> City of Kelowna Official Community Plan, Chapter 5, Policy 5.36.3.

<sup>17</sup> City of Kelowna Official Community Plan, Chapter 7, Policy 7.8.3.

<sup>18</sup> City of Kelowna Official Community Plan, Chapter 7, Policy 7.3.1.

<sup>19</sup> City of Kelowna, "Hillside Development Guidelines", October, 2009.

Hillside developments will be environmentally sensitive, functionally appropriate, aesthetically pleasing and economically feasible.

Principles for Hillside Development:

Development applications within hillside areas should work to achieve the vision for hillside development by focusing on the following principles:

- Damage to the environment and natural features should be avoided
- Suitable density and diversity of housing type mitigates impacts
- All users are accommodated on neighbourhood streets
- Views are preserved for residents and visitors
- Locally appropriate, drought tolerant plants are used
- Building sites are safe.

**6.0 Technical Comments**

**6.1 Building & Permitting Department**

No concerns

**6.2 Development Engineering Department**

See attached Memorandum, dated January 15, 2010.

**6.3 Infrastructure Planning**

Infrastructure Planning has reviewed this development application and has submitted the following comments to Development Services:

**Parks & Open Spaces:**

- i. At the subdivision phase, the applicant should contact the Real Estate and Building Services Division to initiate the parkland transfer. All parkland shall be zoned P3 and transferred as a title lot in the name of the City of Kelowna.
- ii. The parkland shall be free and clear of noxious weeds as regulated in the British Columbia Weed Control Act; no debris and garbage; no unauthorized tree cutting, no damage to natural vegetation, no material and construction storage and/or equipment parking. The parkland shall be kept in a natural, undisturbed condition. The City recommends erecting temporary construction fencing around the perimeter of the parkland to ensure damage does not occur.
- iii. To prevent private/public encroachment, the applicant will be required to delineate the private property lines adjacent to all parkland with a minimum 1.2 m high (4') black vinyl chain link fence with black powder coated posts, rails and hardware (or approved equivalent) located 150 mm (6") within the private property.
- iv. The trail standard for this section of Cedar Creek is a Class 5 Standard Multi-use Trail at 1.5 metre width, surfaced with gravel (see attachment). The exact alignment of the trail should be confirmed on-site with Infrastructure Planning prior to construction.
- v. A pedestrian crosswalk is required along Upper Mission Drive to allow trail users to safely cross the road. The design of the crosswalk is required to be submitted to the City as part of the Civil Engineering Drawing Package.

#### 6.4 Fire Department

The plans for the multi unit residential should include a code analysis including occupancy class and building usage.

Engineered fire flows are required to for the multi unit buildings. The roads and hydrant are to meet the City of Kelowna Subdivision Bylaw #7900. All residential lots are to have a minimum of 6M road width with no parking signs to be provided. Fire department turn around may be required at the end of the southern access road. Maximum road grade is one in twelve. Additional comments at the building permit application may be required.

#### 6.5 Hillside Development Consultant (Planner/Engineer Bob Twerdoff)

The primary reasons for increasing lot width is to lower single family development densities on hillsides to reduce visual impacts, extent of grading/retaining and to reduce geotechnical concerns. When considering increases in lot widths you will encounter resistance from developers due to their perceived notions of yield; however in order to create a noticeable change to how hillsides are developed, fewer single family homes will be inevitable. I would counter with the argument by suggesting increased yield can be attained through other land uses, such as cluster housing, multiple housing and secondary suites.

#### 6.6 Interior Health Authority

Interior Health Authority does not support this application as it represents a continuation of sprawl and its associated negative health outcomes. This development will rely on vehicles and will offer limited alternate transportation opportunities that would allow people to walk or bike easily to typical destinations, such as work, school or grocery stores and become physically active. Lack of physical activity has been identified as one of the contributing factors in the growing rate of obesity amongst Canadians.

#### 6.7 Transportation and Mobility

Cycling connection - within the application is mention of a proposed trail alignment linking an existing Kettle Valley Trail to the site. Within the application there is comment that this alignment was shown to the City's parks department. Regional Services (TDM) would like to express our encouragement to the developer in ensuring this trail linkage is provided and is to standards approved by the parks department. Ensuring there are adequate cycling and pedestrian linkages to encourage active transportation is extremely important in outlying developments particularly for youth living in these areas travelling within the immediate and nearby neighbourhoods. This development lies outside of the existing transit service area. Pathway/sidewalk connections allow citizens to travel to transit by foot or bike.

#### 6.8 Regional District of Central Okanagan (RDCO)

See correspondence from RDCO, dated December 21, 2009.

#### 6.9 School District No. 23

No comment.

#### 6.10 FortisBC Energy - gas

Please be advised that Terasen Gas' facilities will not be adversely affected as we currently do not have any pipeline serving that address nor do we have transmission pipeline running through it. Therefore, Terasen Gas has no objection to the applications as presented.

6.11 RCMP

No comment.

6.12 Shaw Cable

Owner/Developer to install an underground conduit system as per Shaw Cable drawings and specifications.

6.13 Telus

Telus will provide underground facilities to this development. Developer will be required to supply and install conduit as per Telus policy.

6.14 FortisBC

No comment.

**7.0 Application Chronology**

Date of Application Received: November 20, 2009

Advisory Planning Commission March 16, 2010

The above noted application was reviewed by the Advisory Planning Commission at the meeting on March 16, 2010 and the following recommendations were passed:

THAT the Advisory Planning Commission support Text Amendment Application No. TA09-0007, for 5505 Chute Lake Road; to amend Zoning Bylaw No. 8000 to create three new hillside zones consistent with the Hillside Development Guidelines.

THAT the Advisory Planning Commission support Rezoning Application No. Z09-0071, for 5505 Chute Lake Road; to rezone the subject property from the A1 - Agriculture 1 zone to the P3 - Parks and Open Space zone and to the proposed RH1 - Hillside Large Lot Residential and RH3 - Hillside Cluster Housing zones in order to facilitate a hillside residential subdivision.

Anecdotal Comments:

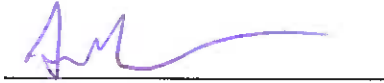
The Advisory Planning Commission support this text amendment, however, they noted that there are concerns with the proposed change to the definition and height shown on "Schedule A", and want to see clarification of the proposed change before providing comment.

Subsequent to the APC process, the subject development application and associated text amendment were refined with the assistance of the City's hillside development consultant, and in cooperation with the Hillside Review process.

March 2010 - Current: Extensive consultation with Hillside Committee (UDI/CHBA) that has been exhaustive and ongoing over the course of approximately 15 meetings. This has included extensive changes to the hillside zoning

regulations, supporting illustrations, design considerations for the built form, subdivision regulations, etc. Most recently, Staff have met with representatives of UDI/CHBA on April 3 and 19, 2012.

**Report prepared by:**



James Moore, Environment & Land Use Planner

**Reviewed by:**



Danielle Noble, Urban Land Use Manager

**Approved for Inclusion:**



Shelley Gambacort, Director, Land Use Management

**Attachments:**

Subject Property Map

Map "A" - Official Community Plan Amendment Map

Map "B" - Zoning Amendment Map

Applicant's Site Plan

Applicant's Conceptual Trail Network Plan

RH1 - Hillside Large Lot Housing - DRAFT

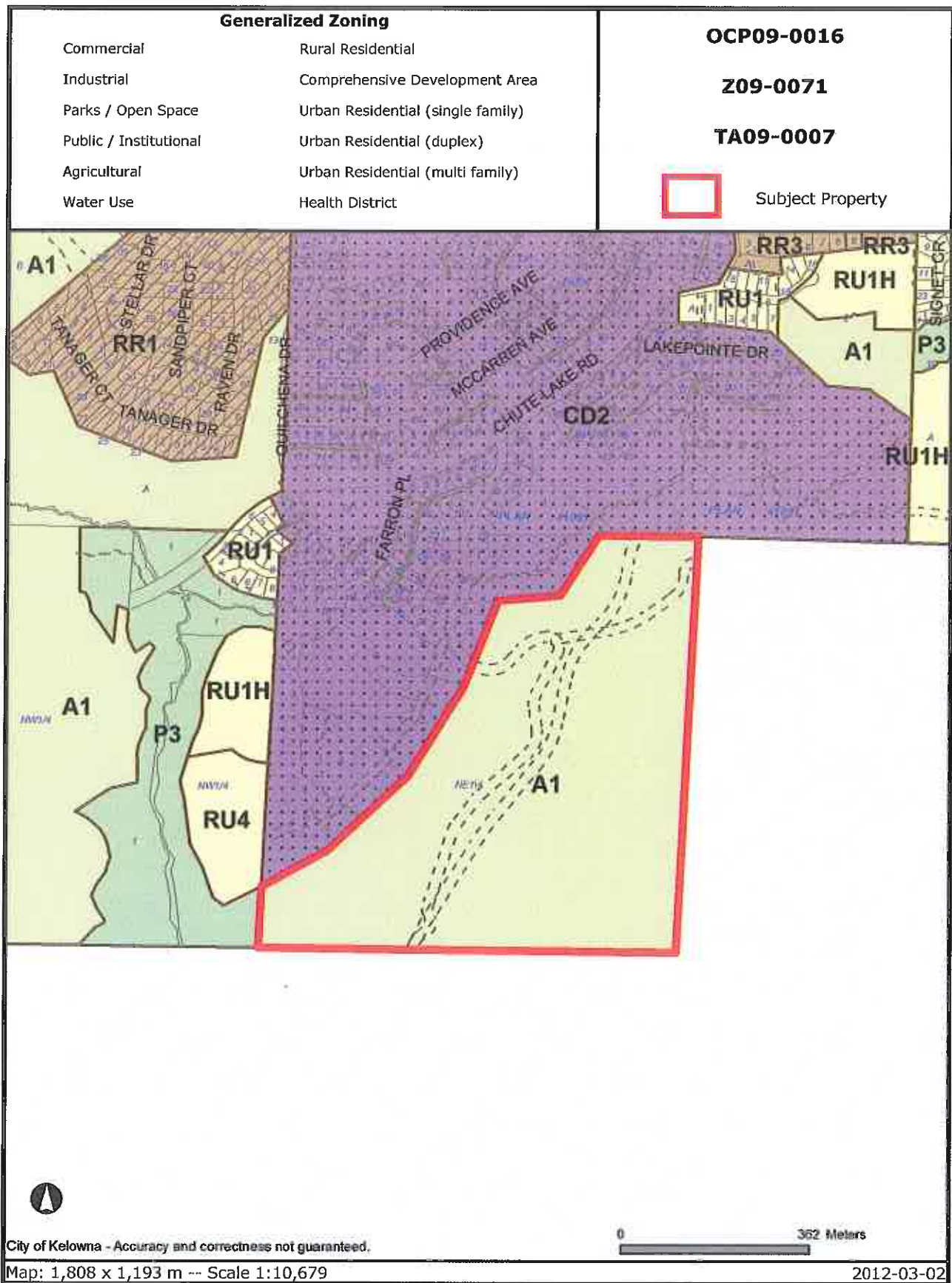
RH2 - Hillside Two Dwelling Housing - DRAFT

RH3 - Hillside Cluster Housing - DRAFT

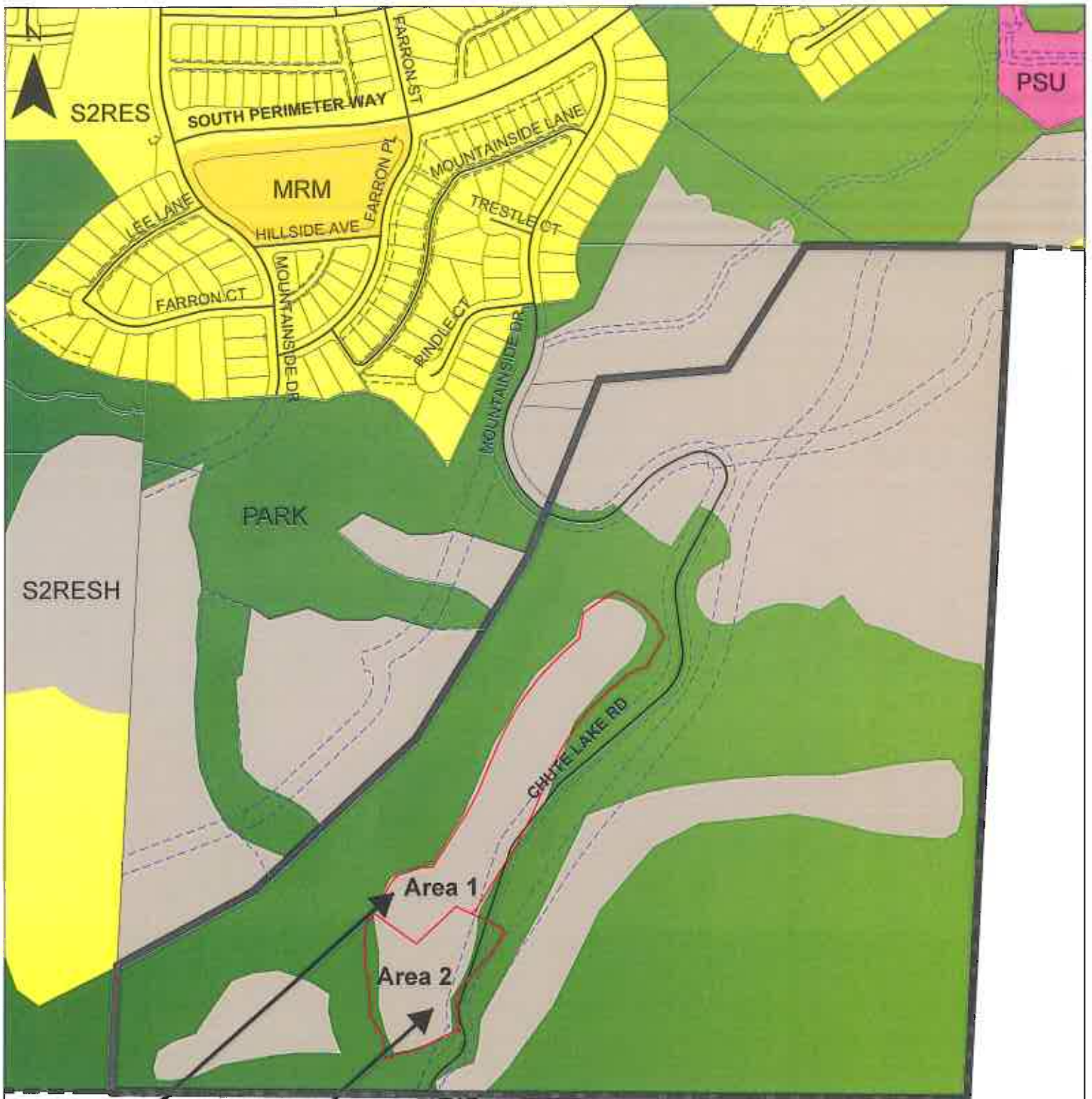
Letter from Urban Development Institute and Canadian Home Builders Association

Letter from the Regional District of Central Okanagan, dated December 21, 2009

Summary of Technical Comments






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



**Subject Property Note:**

- Amend the OCP for a portion of the subject property from Major Park and Open Space (PARK) and or Single/Two Unit Residential - Hillside (S2RESH) to:
- Area 1 - From PARK/S2RESH to S2RESH
- Area 2 - From PARK/S2RESH to S2RESH

**MAP "A" OCP AMENDMENT  
OCP09-0016**

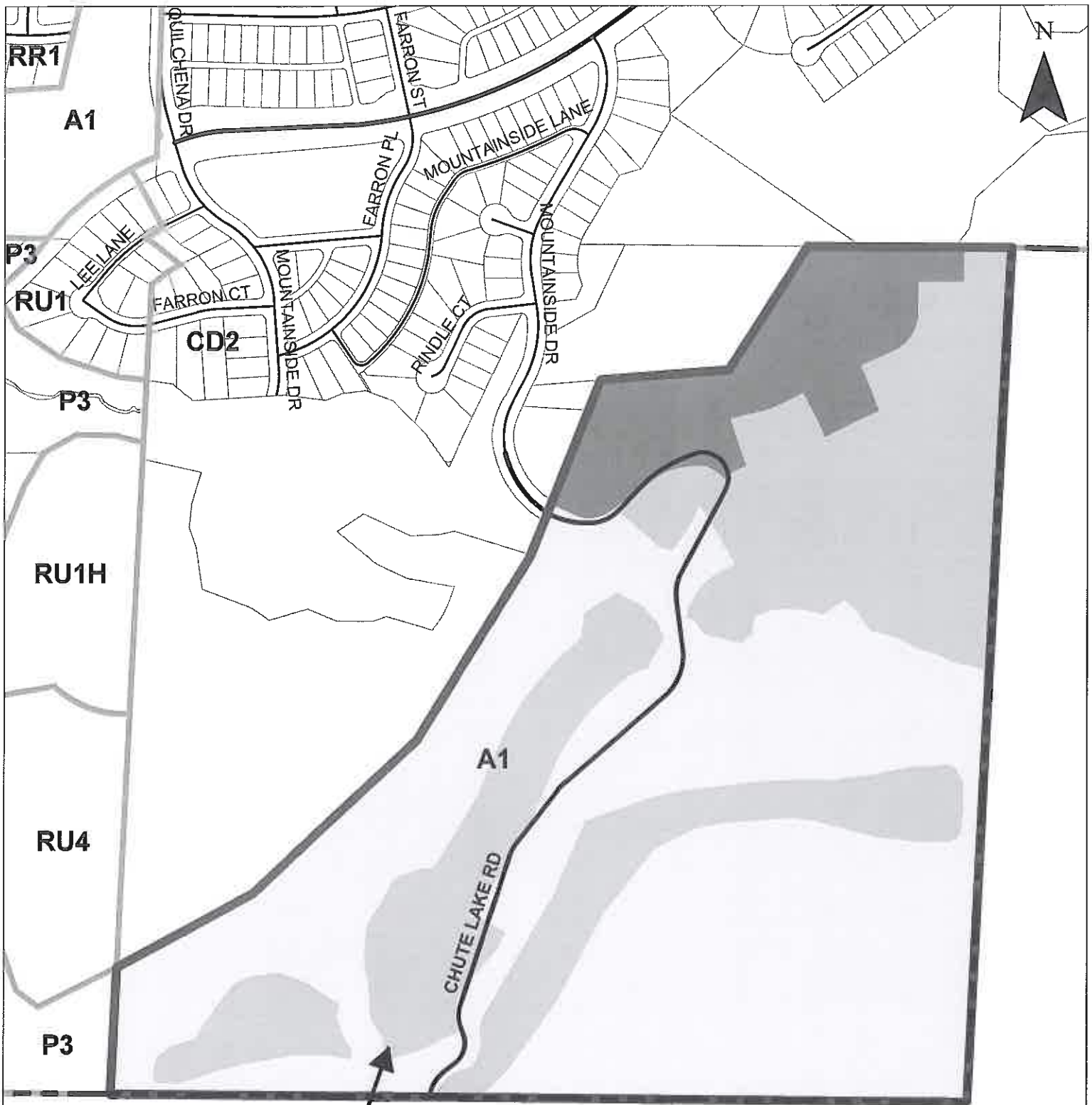
- |  |  |
|--|--|
|  Multiple Unit Residential (Medium Density) |  Amendment Areas  |
|  Major Park and Open Space                  |  Subject Property |
|  Public Service Utilities                   |  Legal Parcel     |
|  Single / Two Unit Residential              |  Easement         |
|  Single / Two Unit Residential - Hillside   |  |
|  City Boundary                              |  |

0 20 40  
Meters  
Rev. May 4/12



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





Regional District of  
Central Okanagan

**Subject Property Notes:**

- Rezone the subject property from A1 Agricultural 1 to one of the following:
- P3 - Parks & Open Space
- RH1 - Hillside Large Lot Residential
- RH3 - Hillside Cluster Housing
- (See Legend for Details)

**MAP "B" PROPOSED ZONING**  
Application #Z11-0030

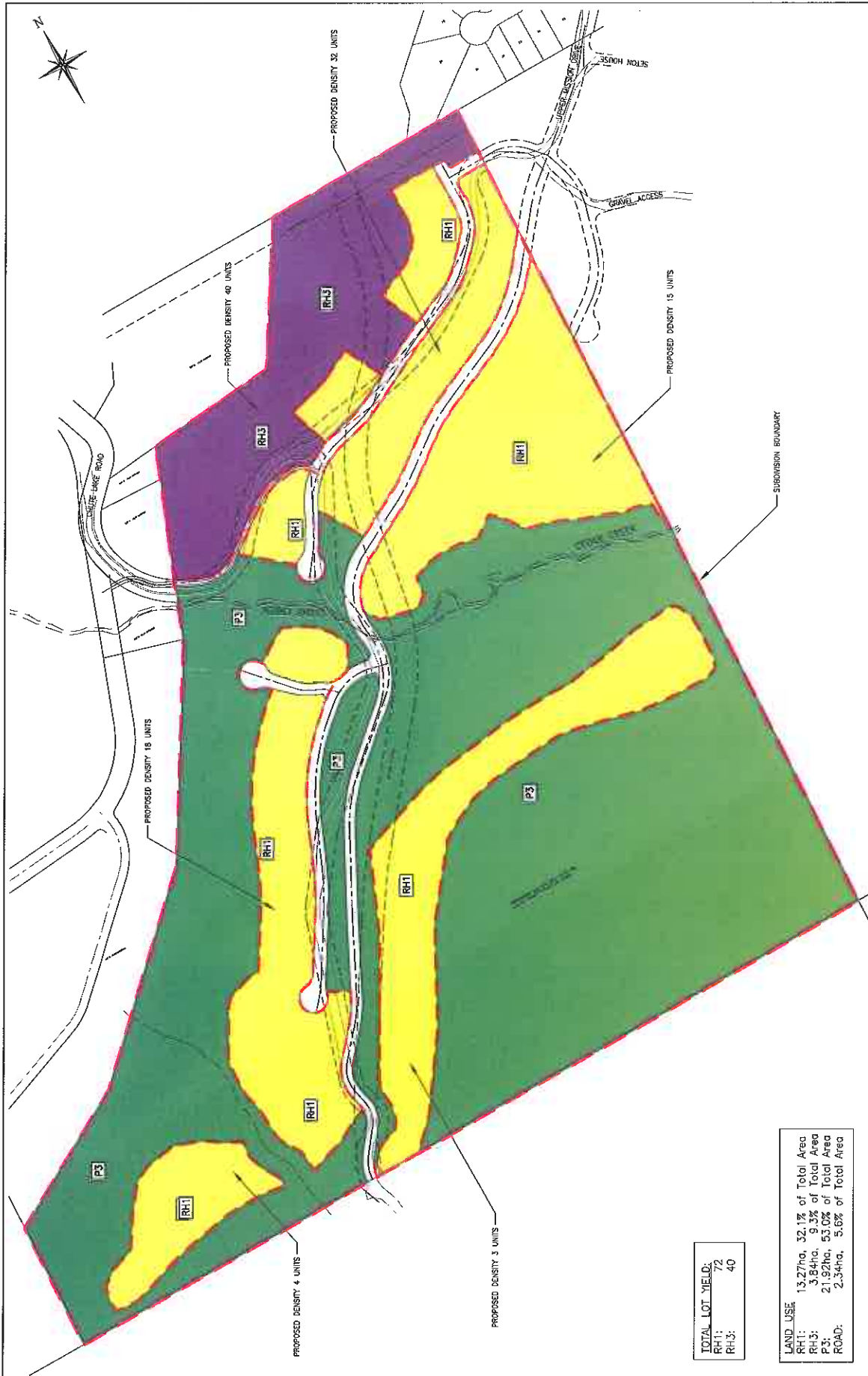
- City Boundary
- Subject Property
- Zoning
- Legal Parcel
- A1 to P3
- A1 to RH1
- A1 to RH3

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



0 20 40 Meters

Rev. May 4/12



<b>TOTAL LOT YIELD:</b>	
RH-1:	72
RH-3:	40

**LAND USE**  
 RH-1: 13.27ha, 32.1% of Total Area  
 RH-3: 3.84ha, 9.3% of Total Area  
 P-3: 21.92ha, 53.0% of Total Area  
 ROAD: 2.34ha, 5.6% of Total Area

<b>THE CITY OF KELOWNA</b> ENGINEERING DEPARTMENT CALCAN PROPOSED REZONING PLAN REMAINDER NE 1/4 SEC. 14 TP28 SYD EXCEPT PLAN KAP 57304		DRAWING NO. 122-ZP SHEET NO. 5
DRAWN BY: [ ] CHECKED BY: [ ] DATE: [ ] SCALE: [ ] VENT: 1:400	REVISIONS: NO. DATE BY 1 12/23/04 [ ] 2 12/23/04 [ ] 3 12/23/04 [ ] 4 12/23/04 [ ]	REVISIONS: NO. DATE BY 1 10/07/02 [ ] 2 12/02/02 [ ] 3 12/02/02 [ ] 4 12/02/02 [ ]

**PROTECH CONSULTANTS LTD.**  
 200 - 1451 St. Paul Street Kelowna B.C. Canada V1Y 1T7  
 TEL: 250-867-1844

**Legend**  
 Municipal Boundary  
 Water Street  
 Storm Street  
 U.S. Telephone  
 U.S. Electrical  
 Municipal Boundary  
 Lemp Standard  
 Municipal Boundary  
 Municipal Boundary  
 Trees

CITY OF KELOWNA

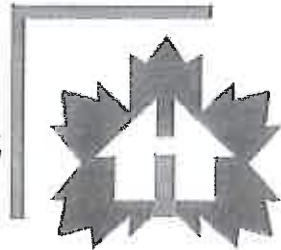
MAY - 9 2012

ADMINISTRATION  
DEPARTMENT

Central Okanagan



Canadian  
Home Builders'  
Association



Original to: ~~Communications~~  
Copied: ~~Mayor~~  
~~City Manager~~  
Councillors

File Number: May 9/12  
Initials: *WJ* Date: 1210-01

April 26<sup>th</sup>, 2012

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

Attention: Mayor Walter Gray and Council

**RE: Refinements to Proposed RH1, RH2 RH3 & RH4 Hillside Zones**

Further to our letter to you on March 8<sup>th</sup>, 2012, we are pleased that City staff has taken the effort to continue meeting with the Hillside Zone Review Committee to address our concerns prior to moving the proposed RH1, RH2 RH3 & RH4 Hillside Zones forward to Council for consideration.

The Hillside Zone Review Committee (a committee comprised of members from both the Okanagan Chapter of the Urban Development Institute and the local chapter of the Canadian Home Builders Association), would like to recognize the effort put in by The City of Kelowna to fully appreciate and incorporate the input brought forward by both industries with respect to the practicality of some of the zoning criteria and the need to keep housing as affordable as possible.

As a result of several meetings, various revisions were proposed and we applaud the City's initiative of introducing flexibility into the zones that will help to address unique issues that arise when developing housing in a hillside context.

While the process required more time than anticipated, members of both industries generally felt that the interactive and iterative process worked well.

With the above in mind, it is still recognized that the proposed hillside zones have not been tested in terms of satisfying the fundamental objectives and answering a number of concerns raised by the committee, specifically:

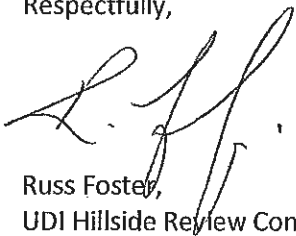
- reaching acceptable densities in terms of the highest and best use of land assets;
- achieving the aesthetic improvement hoped for;
- practicalities of designing and constructing housing to meet the new form and massing criteria;
- an increase in the design and building costs as a result of new form and massing criteria;
- an increase in time and effort for the overall review and approval processes resulting from these more complex regulations; and
- loss of the developer and builder's ability to quickly adjust housing types and forms to satisfy new trends in the market.

As a result of this we would like to ensure that there is a process in place for the trial implementing and review of the new zones, namely:

- that the City allocate sufficient time and resources to ensure that planning and plan-checking staff are given appropriate levels of training in interpreting and application of the proposed zoning regulations;
- staff and representatives from the housing industry hold a joint training workshop to review and confirm interpretation of the zoning regulations and to ensure a uniform review process and application of the criteria;
- the hillside zones be reviewed by the City and the Committee after a 2 (two) year trial period to assess the performance of the zones and make the necessary adjustments and improvement; and
- the 2 (two) year trial period be extended as needed to ensure all of the zones are tested in actual development applications and further adjustments and improvement made as required.

With reference to the concerns raised and subject to the above, the Urban Development Institute and the Canadian Home Builders Association provide their conditional support for the RH1, RH2, RHM3, and , RHM4 Hillside Zones being proposed to Council by City Staff.

Respectfully,



Russ Foster,  
UDI Hillside Review Committee



Chuck Cullen,  
CHBA Hillside Review Committee





**Development & Environmental Services**

1450 K.L.O. Road  
Kelowna, B.C. V1W 3Z4

Telephone: (250) 469-6227  
Fax: (250) 762-7011

December 21, 2009  
Our file: 0470-20 City of Kelowna  
Your file: Z09-0071, OCP09-0016, DP09-0155, S09-0075

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

**DELIVERED VIA E-MAIL (bnelmes@kelowna.ca)**

Dear Ms. Gambacort:

**Re: 5505 Chute Lake Road**

---

Thank you for your referral received December 2, 2009, for the above noted application. Further to this request, the Regional District has reviewed the development proposal and provides the following comments:

- Parks Services supports the proposed parks and open space (P3) and future trail connections through the Calcan property.
  - The proposed P3 zone will provide opportunities for trail and park space connections to the RDCO's Cedar Mountain Regional Park located to the southwest of the Calcan property, the City of Kelowna's Cedar Mountain Linear Park to the west and future City of Kelowna linear trails as identified in the City's Linear Parks Master Plan (Trail Class #62 and #134).
  - However, the southwest corner of the proposed P3 area on the Calcan property does not provide sufficient area to construct a linear corridor (trail) through to the northeast corner of Cedar Mountain Regional Park.
  - If feasible, the acquisition of the southeast corner of the adjacent property, NW ¼ of Sec. 14, as part of the Cedar Creek Linear Park would provide a better connection from the Calcan property to Cedar Mountain Regional Park. Please refer to attached map.
  
- Planning Section, of the Development & Environmental Services Department, recommends approval subject to the following conditions:
  - Should take into account possible environmental impacts arising from the proposed development on adjacent lands located within the RDCO.
  - Should ensure access to lands beyond to the east and the south of the proposed development.
  - Should take into account the adjacent existing gravel pit and possible operational impacts.
  - This area will be part of a future OCP and possible future Aquatic Development Permit Areas to the east and south of the proposed development. Should any

part of the development extend into lands within the RDCO a development permit may be required. At this point in time the Riparian Area Regulations would apply on the lands within the RDCO

- o It appears that the referral was not forwarded to the Ministry of Forests. As there is access beyond the property, it is suggested that MoF be contacted for comment.
- o The site plans provided show connecting roads crossing land within the RDCO. Any such future development and/or subdivision will be subject to RDCO zoning, policy and procedures.

If you have any questions or require clarification on any of the above noted comments, please contact the Development & Environmental Services Department at your earliest convenience at 250-469-6227.

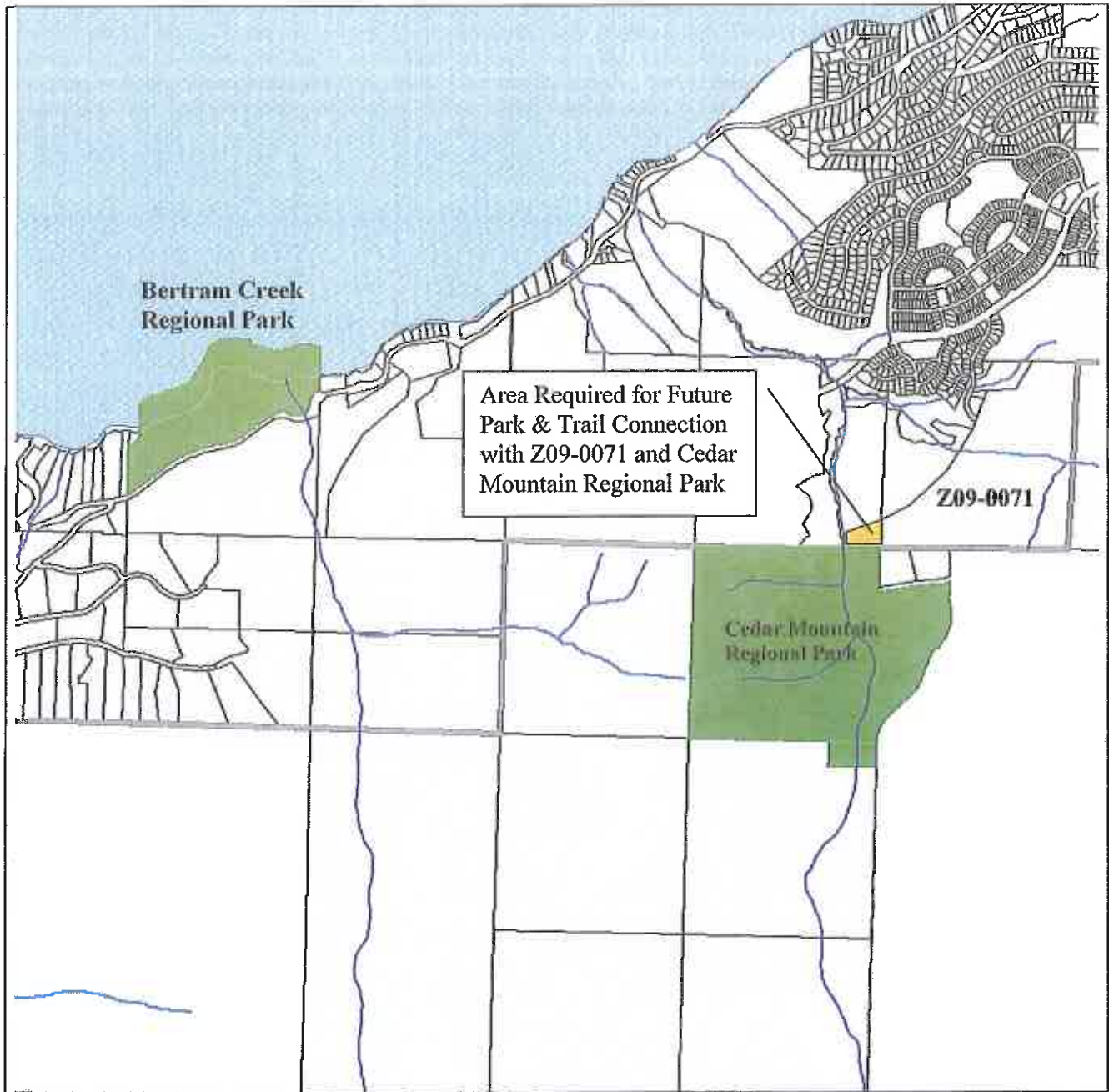
Sincerely,




Janelle Taylor  
Planning Assistant 2

Attachment

cc: Parks Services, Sandy Mah  
Planning Section, Margaret Bakelaar



 <p>REGIONAL DISTRICT OF CENTRAL OKANAGAN</p>	Regional District of Central Okanagan		Parks Services Department	
	Cedar Mountain Regional Park	Date: December 18, 2009	File Z09-0071 City	Drawn By sm

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

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**Date:** January 15, 2010  
**File No.:** S09-0075, Z09-0071, OCP09-0016

**To:** Land Use Management & Subdivision (AB & DB)  
**From:** Development Engineering Manager  
**Subject:** Zoning & Subdivision Application – Requirements

<b>LOCATION:</b> 5505 Chute Lake Rd	<b>ZONE</b> A1 to RU1h,RU4h, RM3 & P4
<b>APPLICANT:</b> Calcan Investments Inc.	
<b>LEGAL:</b> NE 1/4 , Sec 14 Twp28	

**WORKS AND SERVICES REQUIREMENTS**

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

The following Works & Services are required for this subdivision:

**.1) General**

- a) Requirements of the rezoning application no. Z09-0071 must be satisfied before subdivision approval.
- b) Provide a Pre-design report to address all offsite Utility and Transportation servicing including costs.
- c) **PRIOR TO FINAL ADOPTION OF THE ZONE AMENDING BYLAW:**, Prior to rezoning, a Predesign report specific to this development is required to identify all offsite servicing needs in accordance with the Subdivision, Development and Servicing Bylaw. A Servicing Agreement for all offsite works required by this subdivision must be provided, along with Performance Security, before final adoption of the Zone Amending Bylaw.
- d) A pre-plan is required for adjacent lands to confirm intersection road alignments and access for Mountainside Drive, Chute Lake Road and Seton House of Prayer (interim and ultimate).



- e) This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Rick Ould, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC V1Y 2K0 to obtain further information and to determine suitable location(s) within the development.
- f) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- g) Install a black chain link fence along the property lines backing onto the top of the slope.

## .2) Geotechnical Report

- a) Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

The Geotechnical reports (3 copies) must be submitted to the Development Engineering Services Department for distribution to the Inspection Services Division and Subdivision Approval Division prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- (vi) Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
- (vii) Identify slopes greater than 30%.
- ii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- iii) Recommendations for items that should be included in a Restrictive Covenant.

- iv) Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
- v) Any items required in other sections of this document.
- vi) Recommendations for erosion and sedimentation controls for water and wind.
- vii) Recommendations for roof drains and perimeter drains.
- viii) Recommendations for construction of detention or infiltration ponds if applicable.

**.3) Water**

- a) The property is located within the City Water service area.
- b) For offsite works a Predesign report is required complete with costs. Performance security and a Servicing Agreement will be required for offsite works. See comments in the "General" section.
- c) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this subdivision to confirm this. Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits. Note: Private pumps are not acceptable for addressing marginal pressure.

**.4) Sanitary Sewer**

- a) Provide an adequately sized sanitary sewer system complete with individual lot connections.
- b) For offsite works a Predesign report is required complete with costs. Performance security and a Servicing Agreement will be required for offsite works. See comments in the "General" section.

**.5) Drainage**

- a) Provide an adequately sized drainage system complete with individual lot connections. The Subdivision, Development and Servicing Bylaw requires that each lot be provided with an individual connection; however, the City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydro geotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- b) Confirm if offsite works are required and how drainage will be handled on site.
- c) Confirm locations and sizes of any detention facilities if required.
- d) A Predesign report is required that addresses how Storm water Management will be dealt with. For offsite works, performance security

and a Servicing Agreement will be required prior to rezoning. See comments in the "General" section.

- e) Provide the following drawings:
  - i) A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
  - ii) A detailed Stormwater Management Plan for this subdivision; and,
  - iii) An Erosion and Sediment Control Plan.
- f) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- g) Identify clearly on a contour map, or lot grading plan, the top of bank(s). Provide cross sections along the top of the bank at each property corner and at locations where there are significant changes in slope. Cross sections are to be perpendicular to the contour of the slope. Show the proposed property lines on the cross sections. Not all areas have a clear top of bank; and therefore, field reconnaissance by City staff and the applicant may be needed to verify a suitable location for property lines.

#### **.6) Roads**

- a) Upper Mission Drive is designated an urban hillside collector road. Dedicate and construct the road in accordance with City standard SSH3 (15.0m dedication, 10.0m Road, barrier curb, boulevards and a separate sidewalk on one side and optional trees).
- b) Road A (lots 1-32) is designated an urban class 2 hillside local road. Dedicate and construct the road in accordance with City standard TYP01 or SS-H12 (14.0 or 14.1m dedication, 9.0m or 6.0m (with parking bays) road).
- c) Road B (lots 33-49) is designated an urban class 2 hillside local road. Dedicate and construct the road in accordance with City standard TYP01 or SS-H13 (14.0 or 12.3m dedication, 9.0m or 6.0m (with parking bays) road).
- d) Road C (lots 33-36) is designated an urban class 2 hillside local road. Dedicate and construct the road in accordance with City standard TYP01 or SS-H13 (14.0 or 12.3m dedication, 9.0m or 6.0m (with parking bays) road).
- e) Dedicate and construct the emergency access road in accordance with City standard SS-R2 (6.0m. dedication, 6.0m road).
- f) Provide traffic control and street name signs where required. The City will install all signs and traffic control devices at the developer's expense.
- g) Provide a Street Sign, Markings and Traffic Control Devices on the Composite drawing.

- h) Dedicate and Construct all walkways in accordance to City standard drawing SS-R28. Note: the dedication width for walkways is 2.4 m. Fence heights are to be as follows:
- Rear yard - 1.8 m above average grade level.
  - Side Yard - 1.2 m above average grade level to rear of existing home or 15 m from front property line on new lots, thereafter 1.8 m to rear property line.
- (All grade changes to occur at posts with top of fabric remaining parallel to previous section).
- i) Grade the fronting road boulevards in accordance with the standard drawing and provide a minimum of 50 mm of topsoil. Major cut/fill slopes must start at the property lines.
- j) Verify that physical driveway access will satisfy City requirements for all lots. For steeper lots (15% and greater), show driveways on the lot grading plan with grades or profiles. Where lots are serviced by onsite sewage disposal systems, show limits of cut and fill lines.
- k) Driveway access is not permitted onto Upper Mission Drive for Lots 18-32 and 49. A restrictive covenant in favour of the City of Kelowna, registrable under Section 219 of the Land Title Act, must be granted to the effect that vehicular access is not permitted from abutting lots. The subdivision plan must be endorsed to the effect that a covenant is to be registered. The covenant must be registered as a priority charge and is to be indicated on the Lot Grading Plan.
- l) Private access roads must be constructed and paved to the City standard SS-R2.
- m) Cul-de-sac road(s) A & B exceed the bylaw length requirement. Maximum length of a permanent cul-de-sac is to be 200 m unless approved otherwise by the Approving Officer. Where it is part of a temporary and/or staged development, this maximum length may be 400 m.
- n) Cul-de-sac approach roads must not exceed bylaw grade requirements.

**.7) Power and Telecommunication Services and Street Lights**

- b) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground
- c) Street lights must be installed on all roads.
- d) Before making application for approval of your subdivision plan, please make arrangements with Fortis BC for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application.
- e) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

**.8) Design and Construction**

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

**.9) Servicing Agreements for Works and Services**

- b) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- c) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

**.10) Other Engineering Comments**

- b) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- c) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

**.11) Charges and Fees**

- b) Development Cost Charges (DCC's) are payable
- c) Fees per the "Development Application Fees Bylaw" include:
  - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
  - ii) Survey Monument Fee: \$50.00 per newly created lot (GST exempt).
  - iii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
  - iv) Engineering and Inspection Fee: 3% of construction value (plus GST).
  - v) Latecomer Processing Fee: \$1,000.00 (plus GST) per agreement (no charge for 1 day agreements).
- d) Water Extended Service Area Latecomers (ESA's):

ESA#	Front ender	Component	Anniversary (rates change)	*Rate/unit \$
new	Randawa	Upper Reservoir	To be determined	<b>\$3,844.00</b>

\*(these fees are to be confirmed at time of subdivision)

- e) Sewer Specified Area Administration Fee of \$250.00 to amend service boundary.
- f) Water Specified Area Administration Fee of \$250.00 to amend service boundary.

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Steve Muenz, P.Eng.  
Development Engineering Manager

ss

# CITY OF KELOWNA

## BYLAW NO. 10670

### Text Amendment No. TA09-0007 –City of Kelowna – New Hillside Zones

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that City of Kelowna Zoning Bylaw No. 8000 be amended as follows:

1. THAT **Table of Contents, Section 13: Urban Residential Zones** be amended to add to the end of the section the following:

"13.14	RH1	Hillside Large Lot Residential	RH14-1
	RH1s	Hillside Large Lot Residential with <b>Secondary suite</b>	RHs14-1
13.15	RH2	Hillside Two <b>Dwelling</b> Housing	RH2-1
13.16	RH3	Hillside Cluster Housing	RHM3-1"

2. AND THAT **Section 1 – General Administration, 1.3 Zoning Map, 1.3.1** be amended by adding to the end of **Section 13 – Urban Residential Zones** the following:

RH1/ RH1s	RH1 Hillside Large Lot Residential/ RH1s Hillside Large Lot Residential with <b>Secondary suite</b>
RH2	Hillside Two <b>Dwelling</b> Housing
RH3	Hillside Cluster Housing

3. AND THAT **Section 13 – Urban Residential Zones** be amended by adding new sections as attached to and forming part of this bylaw as Schedule "A";
4. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Amended at first reading by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of City of Kelowna on the.

\_\_\_\_\_  
Mayor

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

## 13.14 RH1 – Hillside Large Lot Residential

### RH1s – Hillside Large Lot Residential with Secondary Suite

#### 13.14.1 Purpose

To provide a zone for single detached housing on large-sized, serviced hillside lots with the express goal of minimizing the impacts of development on the natural environment and visual character of Kelowna.

#### 13.14.2 Definitions

Despite conflicting definitions found elsewhere in this bylaw, the following definitions shall apply for the purposes of interpreting the regulations of this zone:

*HEIGHT* means, with respect to a building, the maximum vertical distance above a straight line drawn between the average of the front of the approved Building Envelope Covenant and the average of the rear of the approved Building Enveloped Covenant measured to the highest point of the **structure** of a non-sloping roof, or the mid-point between the eaveline and the ridge of a sloping roof, excluding those **structures** identified in Section 6.6.1 of this bylaw.

#### 13.14.3 Principal Uses

- (a) **single dwelling housing**

#### 13.14.4 Secondary Uses

- (a) **bed and breakfast homes**
- (b) **care centres, minor**
- (c) **group homes, minor**
- (d) **home based businesses, major**
- (e) **home based businesses, minor**
- (f) **secondary suite** (RH1s only)

#### 13.14.5 Buildings and Structures Permitted

- (a) one **single detached house** (which may contain a **secondary suite** in the RH1s zone)
- (b) permitted **accessory buildings and structures**

#### 13.14.6 Subdivision Regulations

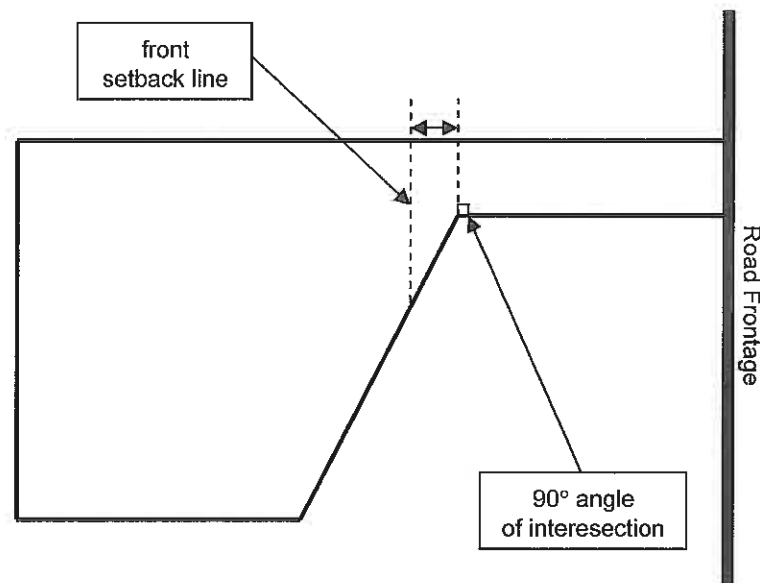
- (a) For lots on the upslope side of a road, the average **lot width** is 18.0m, but the minimum **lot width** is 16.0m. For lots on the downslope side of a road, the average **lot width** is 21.0m, but the minimum **lot width** is 18.0m. For the purpose of determining average **lot width**, include those lots zoned or to be zoned RH1 and RH2 for that portion of a subdivision approved in a Preliminary Layout Review of Subdivision by the Subdivision Approving Officer.
- (b) The minimum **lot depth** is 20.0m.
- (c) The minimum **lot size** for a subdivision is 600m<sup>2</sup>.

#### 13.14.7 Development Regulations

- (a) The maximum **site coverage** is 33% and together with the areas of driveways and parking shall not exceed 40%. If no building elevation exceeds a *height* of 2 **storeys**, the maximum **site coverage** shall be 40% and together with the areas of driveways and parking shall not exceed 50%.



- (b) The minimum setback for a **front yard** or flanking street is 3.0 m except that it is 6.0 m measured from the back of curb or sidewalk, whichever is closest, to a garage or **carport** having vehicular entry from the front of the garage.
- (c) Required **side yards** shall be calculated using one of the following two methods:
1. Where no vertical wall element exceeds the lesser of 7.5m or 2 **storeys** in *height* at any point, except as provided for in Sections 13.14.8(b) and (c), the minimum **side yard** is 1.5 m and the sum of both **side yards** shall not be less than 4.0 m. In all other cases, the minimum **side yard** is 2.0 m and the sum of both **side yards** shall not be less than 5.0 m. At time of subdivision and building envelope covenant determination, adjacent lots shall coordinate their **side yard** setbacks to form larger areas of naturally-graded open space, to achieve preservation of a natural feature, and/or to achieve preservation of views.
  2. Where no vertical wall element exceeds 7.5m or 2 **storeys** in *height* at any point, except as provided for in Sections 13.14.8(b) and (c), the minimum **side yard** is 1.5m when a naturalized corridor with a width equal to 5% of the total road frontage for that phase of subdivision is protected or dedicated at the time of subdivision. In all other cases, the minimum **side yard** is 2.0m when a naturalized corridor with a width equal to 5% of the total road frontage for that phase of subdivision is protected or dedicated at the time of subdivision.
- (d) The minimum rear yard is 7.5 m except that it is 1.5 m for **accessory buildings**. Where the **lot width** exceeds the lot depth the minimum rear yard is 4.5 m provided that one **side yard** shall have a minimum width of 4.5 m.
- (e) For panhandle lots, notwithstanding section 13.14.6(b), the required **front yard** setback shall be applied from a straight line drawn at a 90 degree angle from the point of interesection of the body of the lot with the panhandle. See Diagram 13.1.

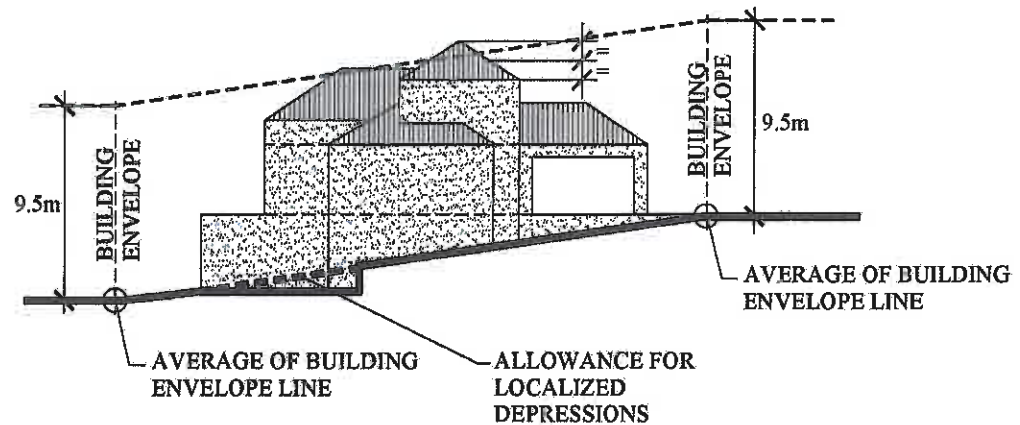


**Diagram 13.1: Front yard setback on panhandle lots**

13.14.8

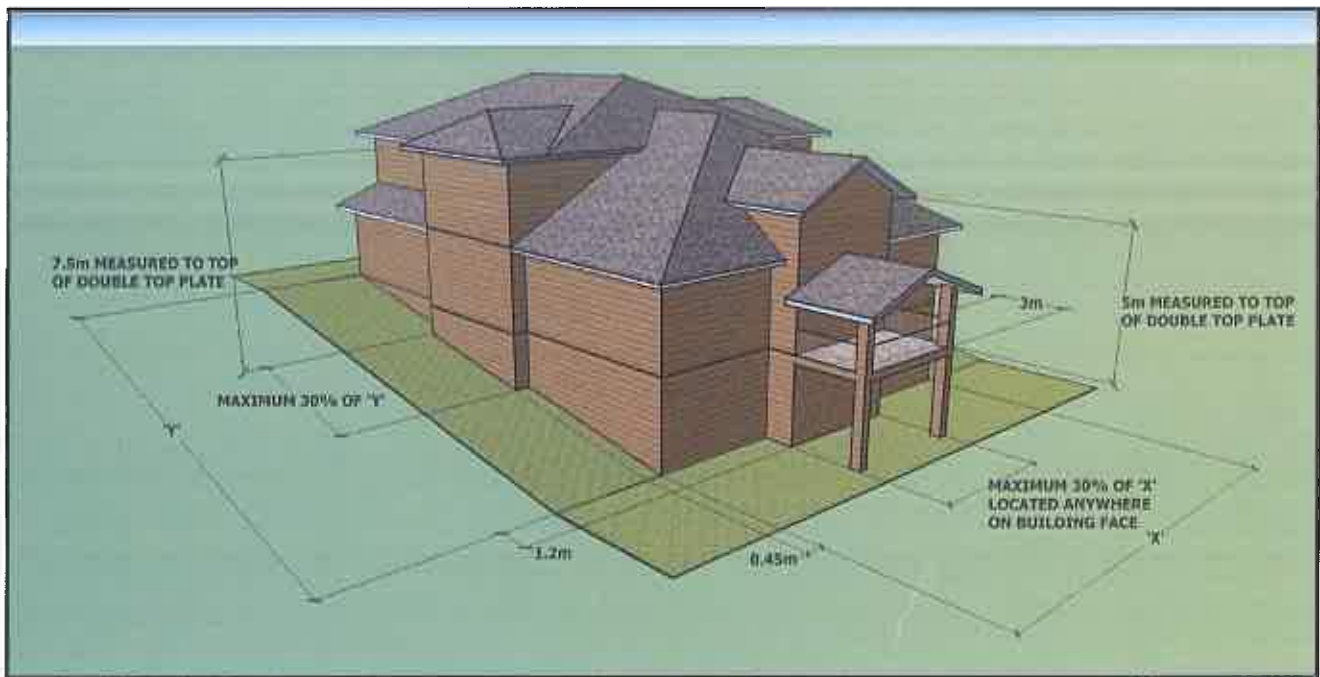
**Building Form and Massing**

- (a) The maximum *height* is 9.5m, except it is 4.5m for **accessory buildings and structures**. See Diagram 13.2.



**Diagram 13.2: 9.5m Maximum Height As Measured From Straight Line Between Building Envelope Points**

- (b) The maximum *height* of any vertical wall element facing a **front yard**, rear yard or flanking street (including walkout basements) is the lesser of 7.5 m or 2 **storeys** above which the building must be stepped back a minimum of 2.1 m. A maximum of 30% of the length of the building elevation may exceed 7.5 m in *height*, provided that a deck and roof **structure** projecting a minimum of 3.0 m from the face of the wall breaks up the wall face such that no wall face directly above the deck and roof **structure** exceeds 5.0 m in *height*. See Diagram 13.3.
- (c) Where any vertical wall element facing a **side yard** exceeds the lesser of 7.5m or 2 **storeys** in *height*, that portion of the **side yard** elevation above the first **storey** must be stepped back an additional 1.2 m, as measured from the outside wall of the floor below. Dormers or enclosed stairways may project into this step back by 1.2 m provided that the sum of their lengths does not exceed 30% of the length of the elevation of that **storey**. These projections are not permitted within 1.2m of the front or rear building elevations. See Diagram 13.3.



**Diagram 13.3: Downslope and Sideyard Building Articulation**

- (d) All decks (including the supporting posts or columns) shall not exceed 4.5 m or 1 storey in *height* inclusive of any support **structure** or **retaining wall** (within a horizontal distance of 1.2 m) and shall be limited to 60% of the width of the applicable building face. *Height* will be measured from the grade at the base of the deck, post, or column to the highest point of the deck, exclusive of railings.
- (c) No horizontal wall face may exceed 7.5 m in length after which the wall face must be staggered or offset by a minimum of 0.45 m in a **side yard**, and by 1.2 m in a **front yard**, **rear yard**, or **flanking street**. See Diagram 13.3.
- (e) **Accessory buildings** and **structures** shall not exceed 4.5 m in *height*.

### 13.14.9 Other Regulations

- (a) A **secondary suite** may only be located within a single detached **dwelling**.
- (b) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 6 (accessory development, yards, lighting, stream protection, etc.), the landscaping and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific use regulations of Section 9.
- (c) No vehicular parking or storage is permitted in a **side yard** setback between a permitted principal **dwelling** and the adjacent property line.

## 13.15 RH2 – Hillside Two Dwelling Housing

### 13.15.1 Purpose

To provide a zone for a maximum of two **dwelling** units on large-sized, serviced hillside lots with the express goal of minimizing the impacts of development on the natural environment and visual character of Kelowna.

### 13.15.2 Definitions

Despite conflicting definitions found elsewhere in this bylaw, the following definitions shall apply for the purposes of interpreting the regulations of this zone:

*HEIGHT* means, with respect to a building, the maximum vertical distance above a straight line drawn between the average of the front of the approved Building Envelope Covenant and the average of the rear of the approved Building Enveloped Covenant measured to the highest point of the **structure** of a non-sloping roof, or the mid-point between the eaveline and the ridge of a sloping roof, excluding those **structures** identified in Section 6.6.1 of this bylaw.

### 13.15.3 Principal Uses

- (a) **single dwelling housing**
- (b) **two dwelling housing**

### 13.15.4 Secondary Uses

- (a) **bed and breakfast homes**
- (b) **care centres, minor**
- (c) **group homes, minor**
- (d) **home based businesses, major**
- (e) **home based businesses, minor**

### 13.15.5 Buildings and Structures Permitted

- (a) one **single detached house**
- (b) **duplex housing**
- (c) **semi-detached housing**
- (d) two **single detached houses**
- (e) permitted **accessory buildings** and **structures**

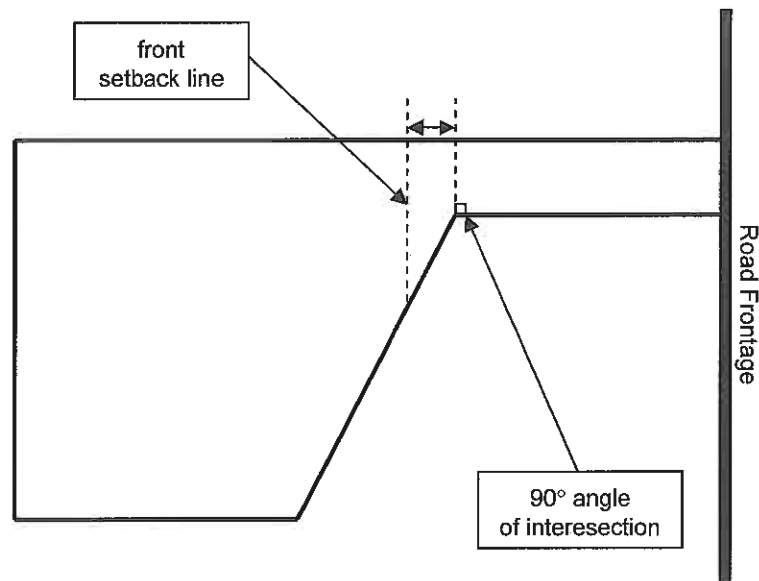
### 13.15.6 Subdivision Regulations

- (a) The minimum **lot width** is 25.0 m. It is 27.0 m for a corner lot. Where a lot contains only one **single detached house**, the minimum **lot width** is 21.0 m.
- (b) The minimum **lot depth** is 20.0 m.
- (c) The minimum **lot area** is 1100 m<sup>2</sup>. Where a lot contains only one **single detached house**, the minimum **lot area** is 600m<sup>2</sup>.

### 13.15.7 Development Regulations

- (a) The maximum **site coverage** is 33% and together with the areas of driveways and parking shall not exceed 40%. If the building *Height* at no point exceeds 2 **storeys**, the maximum **site coverage** shall be 40% and together with the areas of driveways and parking shall not exceed 50%.
- (b) The minimum setback for a **front yard** or flanking street is 3.0 m except that it is 6.0 m measured from the back of curb or sidewalk, whichever is closest, to a **garage** or **carport** having vehicular entry from the front of the garage.
- (c) Required **side yards** shall be calculated using one of the following two methods:

1. Where no vertical wall element exceeds the lesser of 7.5m or 2 **storeys** in *height* at any point, except as provided for in Sections 13.15.8(b) and (c), the minimum **side yard** is 1.5 m and the sum of both **side yards** shall not be less than 4.0 m. In all other cases, the minimum **side yard** is 2.0 m and the sum of both **side yards** shall not be less than 5.0 m. At time of subdivision and building envelope covenant determination, adjacent lots shall coordinate their **side yard** setbacks to form larger areas of naturally-graded open space, to achieve preservation of a natural feature, and/or to achieve preservation of views.
  2. Where no vertical wall element exceeds the lesser of 7.5m or 2 **storeys** in *height* at any point, except as provided for in Sections 13.15.8(b) and (c), the minimum **side yard** is 1.5m when a naturalized corridor with a width equal to 5% of the total road frontage for that phase of subdivision is protected or dedicated at the time of subdivision. In all other cases, the minimum **side yard** is 2.0m when a naturalized corridor with a width equal to 5% of the total road frontage for that phase of subdivision is protected or dedicated at the time of subdivision.
- (d) The minimum rear yard is 7.5 m except that it is 1.5 m for **accessory buildings**. Where the **lot width** exceeds the lot depth the minimum rear yard is 4.5 m provided that one **side yard** shall have a minimum width of 4.5 m.
- (e) For panhandle lots, notwithstanding section 13.14.6(b), the required **front yard** setback shall be applied from a straight line drawn at a 90 degree angle from the point of interesection of the body of the lot with the panhandle. See Diagram 13.4.



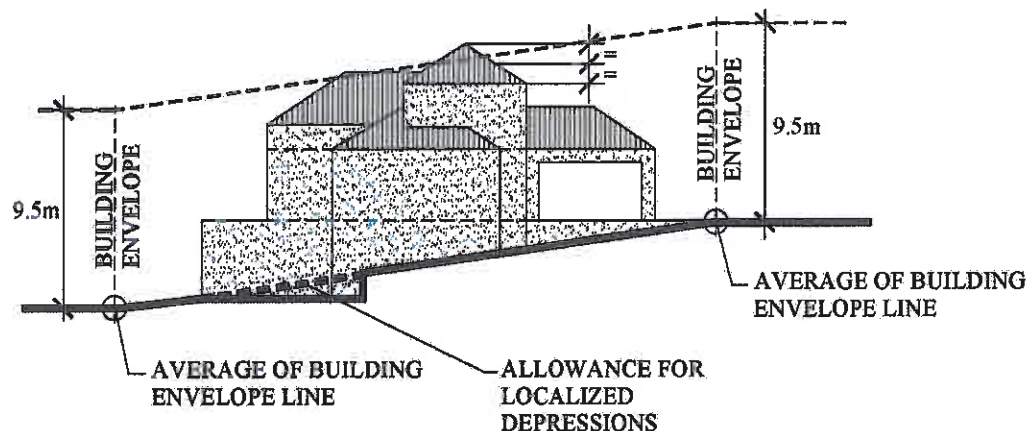
**Diagram 13.4: Front yard setback on panhandle lots**

- (f) Semi-detached and duplex housing shall provide a minimum area of 30 m<sup>2</sup> of **private open space** per **dwelling** and group homes, minor shall provide a minimum area of 7.5 m<sup>2</sup> of **private open space** per bedroom in addition to the principal **dwelling**. This may be in required side or rear yards provided the minimum dimension of the space is 4.5 m.
- (g) A site may be developed with a maximum of two single detached housing units. The two single detached housing units must be separated by a minimum distance of 4.5m.

13.15.8

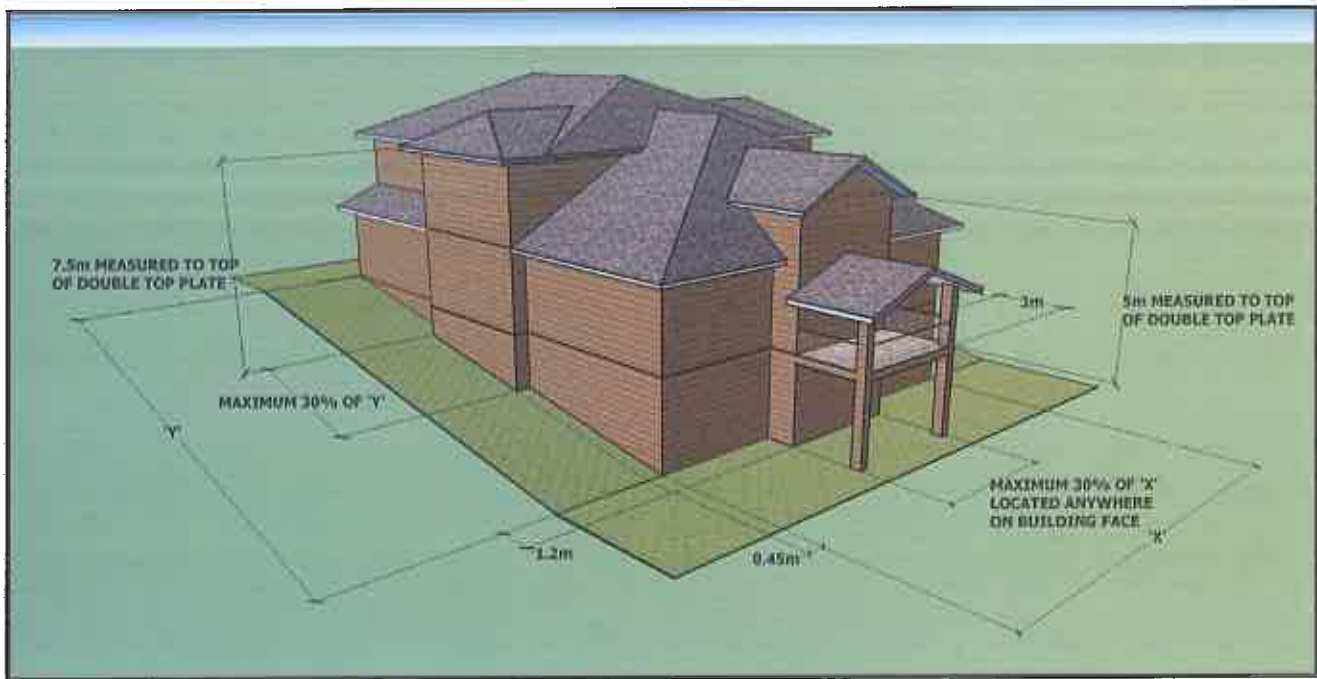
**Building Form and Massing**

- (a) The maximum *height* is 9.5m, except it is 4.5m for **accessory buildings and structures**. See Diagram 13.5.



**Diagram 13.5: 9.5m Maximum Height As Measured From Straight Line Between Building Envelope Points**

- (b) The maximum *height* of any vertical wall element facing a **front yard**, rear yard or flanking street (including walkout basements), is the lesser of 7.5 m or 2 **storeys** above which the building must be stepped back a minimum of 2.1 m. A maximum of 30% of the length of the building elevation may exceed 7.5 m in *height*, provided that a deck and roof **structure** projecting a minimum of 3.0 m from the face of the wall breaks up the wall face such that no wall face directly above or below the deck and roof **structure** exceeds 5.0 m in *height*. See Diagram 13.6.
- (c) Where any vertical wall element facing a **side yard** exceeds the lesser of 7.5m or 2 **storeys** in *height*, that portion of the **side yard** elevation above the first **storey** must be stepped back an additional 1.5 m, as measured from the outside wall of the floor below. Dormers or enclosed stairways may project into this step back by 1.5 m provided that the sum of their lengths does not exceed 30% of the length of the elevation of that **storey**. These projections are not permitted within 1.5m of the front or rear building elevations. See Diagram 13.6.



**Diagram 13.6: Downslope and Sideyard Building Articulation**

- (d) All decks (including the supporting posts or columns) shall not exceed 4.5 m or 1 storey in *height* inclusive of any support **structure** or **retaining wall** (within a horizontal distance of 1.2 m) and shall be limited to 60% the width of the applicable building face. Height will be measured from the grade at the base of the deck, post, or column to the highest point of the deck, exclusive of railings.
- (e) No horizontal wall face may exceed 7.5 m in length after which the wall face must be staggered or offset by a minimum of 0.45 m in a **side yard**, and by 1.2 m in a **front yard**, **rear yard**, or **flanking street**. See Diagram 13.6.
- (f) **Accessory buildings** and **structures** shall not exceed 4.5 m in *height*.

### 13.15.9 Other Regulations

- (a) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 6 (accessory development, yards, projections into yards, lighting, stream protection, etc.), the landscaping and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific use regulations of Section 9.
- (b) No vehicular parking is permitted in a **side yard** setback between a permitted principal **dwelling** and the adjacent property line.
- (c) All semi-detached and duplex housing shall be designed so there is driveway access for each **dwelling**.

## **13.16 RH3 – Hillside Cluster Housing**

### **13.16.1 Purpose**

To provide a **zone** for comprehensively planned clusters of residential dwelling units with urban services. The goal is to minimize the impacts of development on the natural environment, topography, open space, and visual hillside character of Kelowna. Site-wide density including areas of voluntary dedication and protection is to be generally consistent with the **Single / Two Unit Residential - Hillside Official Community Plan** future land use designation; however, the form and character of development may include **multiple dwelling housing** units.

### **13.16.2 Definitions**

Despite conflicting definitions found elsewhere in this bylaw, the following definitions shall apply for the purposes of interpreting the regulations of this zone:

*HEIGHT* means, with respect to a building, the maximum vertical distance above a straight line drawn between the average of the front of the approved Building Envelope Covenant and the average of the rear of the approved Building Enveloped Covenant measured to the highest point of the **structure** of a non-sloping roof, or the mid-point between the eaveline and the ridge of a sloping roof, excluding those **structures** identified in Section 6.6.1 of this bylaw.

### **13.16.3 Principal Uses**

- (a) **single dwelling housing**
- (b) **two dwelling housing**
- (c) **three dwelling housing**
- (d) **four dwelling housing**
- (e) **multiple dwelling housing**

### **13.16.4 Secondary Uses**

- (a) **home based businesses, minor**
- (b) **care centres, minor**
- (c) **group homes, minor**

### **13.16.5 Buildings and Structures Permitted**

- (a) **single detached house**
- (b) **semi-detached housing**
- (c) **duplex housing**
- (d) **three-plex housing**
- (e) **four-plex housing**
- (f) **row housing**
- (g) **stacked row housing**
- (h) **permitted accessory buildings and structures**



### 13.16.6 Subdivision Regulations

- (a) For strata **development** containing **three dwelling housing, four dwelling housing, or multiple dwelling housing**:
  - i) The minimum **site width** is 30.0 m.
  - ii) The minimum **site depth** is 30.0 m.
  - iii) The minimum **site area** is 5000 m<sup>2</sup>.
- (b) For strata **development** containing **single dwelling housing or two dwelling housing** the Subdivision Regulations of either the RU2 – Medium Lot Housing, RU3 – Small Lot Housing or RU5 – Bareland Strata Housing zones shall be applied, as determined by the Director of Land Use Management, except as follows:
  - i) The minimum **site area** is 5000m<sup>2</sup>.
- (c) For fee simple **development**, the Subdivision Regulations of either the RU2 – Medium Lot Housing or RU3 – Small Lot Housing zones shall be applied, as determined by the Director of Land Use Management, except as follows:
  - i) The minimum **site area** is 5000m<sup>2</sup>.

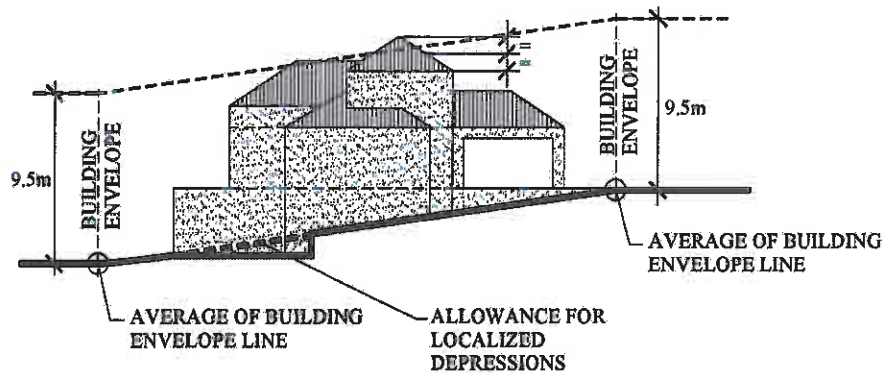
### 13.16.7 Development Regulations

- (a) On a fee simple lot or a **bareland strata lot** containing **single dwelling housing or two dwelling housing**, the development regulations of the RU2 – Medium Lot Housing, RU3 – Small Lot Housing or RU5 – Bareland Strata Housing shall be applied, as determined by the Director of Land Use Management, except as follows:
  - i) For **bareland strata** development, the minimum **bareland strata lot** setback for a **front yard** or flanking street shall be measured from the back of curb or sidewalk, whichever is closest, to a garage or **carport** having vehicular entry from the front.
- (b) On a **lot** containing three or more attached **dwelling** units:
  - i) The maximum density is 22 **dwelling per hectare**. Maximum density may be calculated using the original site area, but is dependent on the protection of environmentally sensitive features, hazardous condition areas (including slopes greater than 30%), and visually significant features. It may be possible that the maximum density may not be achievable on the resulting developable areas.
  - ii) The maximum **building site coverage** is 40%, provided that the maximum **site coverage of buildings**, driveways, and parking areas is 50%.
  - iii) No building or **structure** is permitted within 4.5m of a property line or protected area, except for required **front yards**.
  - iv) The minimum site **front yard** is 3.0 m except that it is 6.0 m measured from the back of curb or sidewalk, whichever is closest, to a garage or **carport** having vehicular entry from the front.

- v) **Dwellings** or groups of **dwellings** must be separated by a minimum of 4.5 m. Vehicle parking or storage is not permitted in this area.

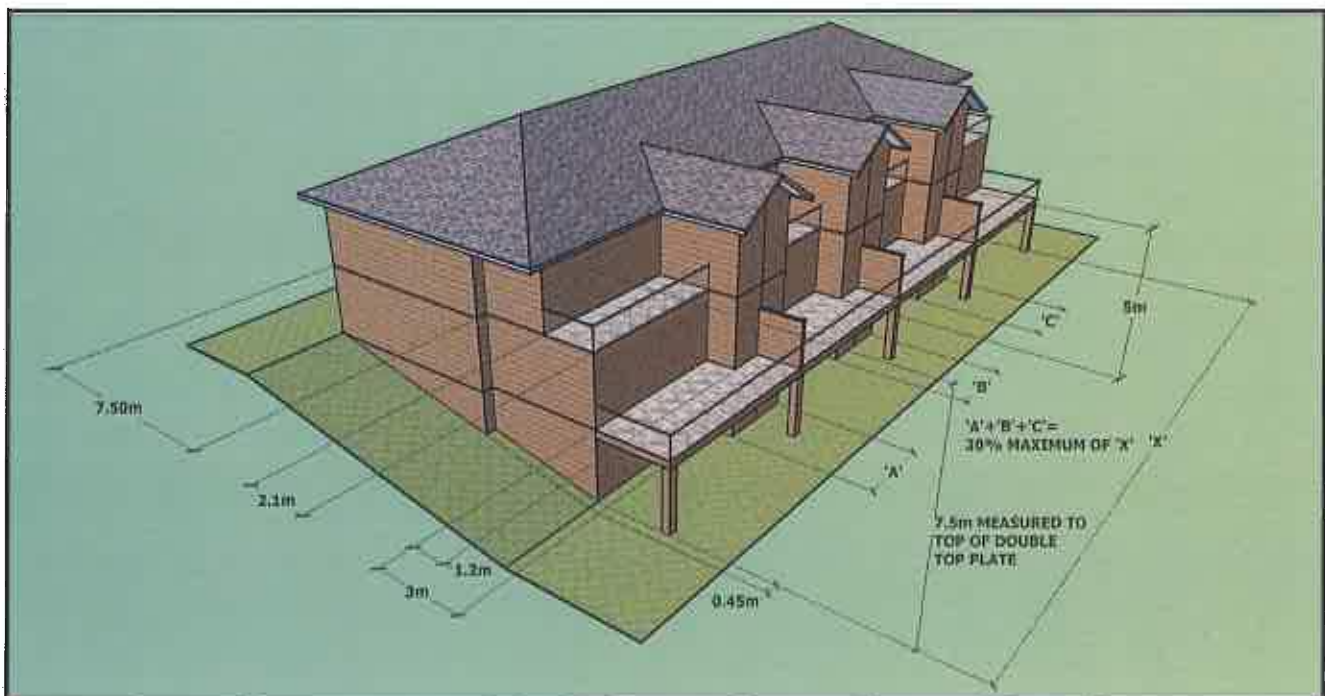
### 13.16.8 Building Form and Massing

- (a) The maximum *height* is 9.5m, except it is 4.5m for **accessory buildings and structures**. See Diagram 13.7.



**Diagram 13.7: 9.5m Maximum Height As Measured From Straight Line Between Building Envelope Points**

- (b) The maximum *height* of any vertical wall element facing a **front yard**, rear yard or flanking street (including walkout basements) is the lesser of 7.5 m or 2 **storeys** above which the building must be stepped back a minimum of 2.1 m. A maximum of 30% of the length of the building elevation may exceed 7.5 m in *height* to a maximum of 9.5m, provided that a deck and roof **structure** projecting a minimum of 3.0 m from the face of the wall breaks up the wall face. No wall face directly above the deck and roof **structure** may exceed 5.0m in *height*. See Diagram 13.8.



**Diagram 13.8: Downslope Building Articulation**

- (c) All decks (including the supporting posts or columns) shall not exceed 4.5 m or 1 storey in *height* inclusive of any support **structure** or **retaining wall** (within a horizontal distance of 1.2 m). *Height* will be measured from the grade at the base of the deck, post, or column to the highest point of the deck, exclusive of railings.
- (d) No horizontal wall face may exceed 7.5 m in length after which the wall face must be staggered or offset by a minimum of 0.45 m in a **side yard**, and by 1.2 m in a **front yard**, **rear yard**, or **flanking street**. See Diagram 13.8.
- (e) **Accessory buildings** and **structures** shall not exceed 4.5 m in *height*.
- (f) A maximum of 6 ground oriented **dwelling** units per building is permitted.

### 13.16.9 Other Regulations

- (a) No vehicle parking or storage is permitted in required **side yards**.
- (b) **Accessory buildings** and **structures** shall be set back 1.5m from any bareland strata **lot line**, and shall be a minimum of 4.5m from any principal residential building.
- (c) An **accessory building** containing recreational amenities for the use of all residents shall conform to the setback requirements for principal buildings.
- (d) A minimum area of 7.5 m<sup>2</sup> of **private open space** shall be provided per **bachelor dwelling** or **group home bedroom**, 15.0 m<sup>2</sup> of **private open space** shall be provided per 1 bedroom **dwelling**, and 25.0 m<sup>2</sup> of **private open space** shall be provided per **dwelling** with more than 1 bedroom.
- (e) For bareland strata development, in addition to required yard areas and **private open space** requirements, a minimum of 10% of the site shall be **open space**.
- (f) In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 6 (accessory development, yards, projections into yards, lighting, stream protection, etc.), the landscaping and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific use regulations of Section 9.

# HILLSIDE ZONES AND POLICY UPDATE

Council Presentation - May 28, 2012



## HILLSIDE POLICY TIMELINE

- ▶ 2001 Hillside Development Guidelines/Subdivision and Development Servicing Bylaw Update with Hillside Standards
- ▶ 2006 Hillside Audit/Process Improvement Recommendations
- ▶ 2006-2009 -Non Bylaw Process Improvements Underway
- ▶ 2009 Hillside Development Guidelines Adopted
- ▶ 2010 Bylaw Amendment Consultation Begins

## STAKEHOLDER PARTICIPATION

- ▶ A variety of City Departments were involved in the creation of the new Hillside Guidelines
- ▶ Joint UDI/CHBA Committee was formed to review Hillside related policy/bylaw updates
- ▶ New policy/bylaw updates will require future training for both City Staff and the development industry

# WHAT ARE THE BYLAW CHANGES?

## Subdivision, Development and Servicing Bylaw

- Create opportunities for automobile tolerant local and minor collector roads
- Create less impact during construction
- Require impacts to be mitigated and recognized upfront

## Zoning Bylaw

- Increase lot sizes due to steep terrain, offer views between homes
- Improve regulations for building massing for developer clarity and aesthetic purposes
- Review building heights
- Improved retaining wall regulation

## Official Community Plan

- New development permit guidelines and exemptions
- Updated future land use mapping

## Development Application Procedures Bylaw

- Review delegation of authority
- Tighten enforcement requirements

## NEW HILLSIDE ZONES - OBJECTIVES

- ▶ Natural Area Protection:
  - ▶ Zones reward natural area protection and reduction in development footprint
- ▶ Reduced visual impact:
  - ▶ Greater degree of bldg articulation on downslopes; new height definition
- ▶ Flexibility:
  - ▶ Options for coordinating setbacks/lot averages for larger subdivision approvals; incentives for 2 storey dwellings



	Kelowna	West Van	Whistler	Abbotsford	Nanaimo	Port Moody		Coquitlam
<b>Zone</b>	<b>RH1</b>	<b>RS7</b>	<b>RS1</b>	<b>RS2A</b>	<b>R10</b>	<b>RS5</b>	<b>RS6</b>	<b>RS1</b>
<b>Min Lot Area (m<sup>2</sup>)</b>	600	929	928.6	670+	1200/600	375	550	650
<b>Min Lot Width (m)</b>	18/21	21.34	24	18/21	15	12	15	13.5
<b>Min Lot Depth (m)</b>	20	<3*width	n/a	25/30	30	n/a	n/a	22.7
<b>Site Cov. (%)</b>	33/40 40/50	30	n/a	33	40	45	40	n/a
<b>Height (m)</b>	9.5	7.62	7.6	9.8 m +	7/9	8	10.5	11.0
<b>FAR</b>	-	-	0.35	0.5	0.55	0.6	0.5	-
<b>Density (upha)</b>	-	6.2	Max 465m <sup>2</sup> dwelling	-	16	-	-	18
<b>Front Yd (m)</b>	3	9.15	7.6	5.0	4.5	6.0	6.0	7.6
<b>Side Yd (m)</b>	1.5/2.0	1.52	6	1.8	1.5	1.5	1.5	1.8
<b>Rear Yd (m)</b>	7.5	9.15	7.6	7.5	7.5	7.0	7.5	7.6

## ZONING BYLAW UPDATES

### Hillside Zones Do...

- Incentivize reduced visible massing
- Increase articulation
- Create larger lots
- Coordinate open space preservation
- Provide flexible regulations
- Result in reduced servicing (roads)

### Hillside Zones Will Not...

- Yield the same density as flat land development
- Add new processes
- Create more onerous requirements than other jurisdictions
- Be perfect - monitoring and changes are anticipated)

## ZONING BYLAW UPDATES

- Staff have committed to continuing to work with UDI/CHBA to ensure the effectiveness of hillside zones
- A full review will be conducted within 2 years of zone adoption
- Minor changes will be processed as required