

**City of Kelowna
Regular Council Meeting
AGENDA**



Monday, January 28, 2013
1:30 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. **Call to Order**
This meeting is open to the public and all representations to Council form part of the public record. A live audio feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.
2. **Development Application Reports & Related Bylaws**
 - 2.1 **Rezoning Application No. Z12-0013 - Text Amendment to Zoning Bylaw for various section updates** 3 - 11
Various text amendments to the City of Kelowna Zoning Bylaw No. 8000 are proposed as follows: 1. To revise the interpretation of building height and provide corresponding illustrations; 2. To amend the criteria by which dormers are considered the main roof for the purpose of protecting neighbours privacy and minimizing the impact of the dormer height; 3. To amend the permitted height for accessory structures in A1-Agriculture and RR1- Rural residential zones; 4. To update references from the 's' to 'c' zoning designations in the landscape section of the Zoning Bylaw to reflect recent changes to secondary suites; 5. To distinguish the parking regulations for secondary suites and carriage houses.
 - 2.1.1 **Bylaw No. 10796 (Z12-0013) - City of Kelowna - Text Amendments to Zoning Bylaw No. 8000** 12 - 15
To give Bylaw No. 10796 first reading.
 - 2.2 **Rezoning Application No. Z10-0040, Extension Request** 16 - 18
To extend the deadline for adoption of OCP Amending Bylaw No. 10440 and Zone Amending Bylaw No. 10439 from January 10, 2013 to July 10, 2013.

3. Bylaws for Adoption (Non-Development Related)

- 3.1 Road Closure and Removal of Highway Dedication Bylaw No. 10769 19 - 21
Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward.

To consider adoption of Bylaw No. 10769, being Road Closure and Removal of Highway Dedication for a portion of Road adjacent to 580 Knox Mountain Drive.

- 3.2 Road Closure and Removal of Highway Dedication Bylaw No. 10770 22 - 24

Mayor to invite anyone in the public gallery who deems themselves affected by the proposed road closure to come forward.

To consider adoption of Bylaw No. 10770, being Road Closure and Removal of Highway Dedication for a portion of road adjacent to 591 Poplar Point Drive.

4. Mayor and Councillor Items

5. Termination

REPORT TO COUNCIL



Date: January 3, 2013
RIM No. 1250-04
To: City Manager
From: Land Use Management, Community Sustainability (BD)
Application: TA12-0013 **Applicant:** City of Kelowna (B. Decloux)
Subject: Text Amendment to Zoning Bylaw for various section updates

1.0 Recommendation

THAT Zoning Bylaw Text Amendment No. TA12-0013 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule 'A' attached to the Report of the Land Use Management Department dated January 3, 2013, be considered by Council;

AND THAT the Text Amendment No. TA12-0013 bylaw be forwarded to a Public Hearing for further consideration.

2.0 Purpose

Various text amendments to the City of Kelowna Zoning Bylaw No. 8000 are proposed as follows:

1. To revise the interpretation of building height and provide corresponding illustrations;
2. To amend the criteria by which dormers are considered the main roof for the purpose of protecting neighbours privacy and minimizing the impact of the dormer height;
3. To amend the permitted height for accessory structures in A1-Agriculture and RR1- Rural residential zones;
4. To update references from the 's' to 'c' zoning designations in the landscape section of the Zoning Bylaw to reflect recent changes to secondary suites;
5. To distinguish the parking regulations for secondary suites and carriage houses.

3.0 Land Use Management

Land Use Management is proposing the following amendments to the City of Kelowna Zoning Bylaw No. 8000 to provide further clarity on development regulations, allowable uses and corresponding development regulations. These changes are explained in further detail below with the exact wording proposed on Schedule "A" as attached. The objectives are:

- To remove references to the 's' zone;
- To improve definition clarity for terms that are routinely used when interpreting development regulations;
- To evaluate the built form of accessory structures (now carriage houses) as per SR151852 and 174898 and review the corresponding development regulations to ensure they are sensitively integrated into existing neighborhoods.

Notably, Council directed Staff to consider the size, height, and setbacks of accessory structures in response to structures containing a secondary suite that have been viewed as not sensitively integrating into an established urban neighbourhood. Staff have researched other communities and evaluated the City of Kelowna requirements against those of other municipalities and it was determined that the size of secondary suites and carriage houses is consistent with other jurisdictions. Further, as the maximum size requirement is derived from the BC building code regulations, the provisions of the Zoning Bylaw ensure that health and safety requirements are achievable. The City of Kelowna setback requirements are among the most stringent of all municipalities reviewed, and imposing more restrictive development regulations could be an impediment to parcels developing with this needed housing form. The minimum required setback assists in fire protection of the carriage house and neighbouring buildings. Additionally, the current regulations also seek to address privacy of the direct neighbours.

However, some minor changes to the interpretation of building height are being proposed. The overall permitted height of an accessory building of 4.5m is not being changed, however revised definitions and clarifying illustrations are proposed. Specifically, a definition for the roof ‘mid-point’ is proposed as the point halfway between the roof peak and the top of the supporting wall to provide additional clarification on the built form and building height. Through this amendment, it is anticipated that this will end the manipulation of eave length and roof pitches to gain additional height (which has the most imposing impact on sensitive integration). Further, sample illustrations of building forms with a corresponding height interpretation will provide additional clarity. It is anticipated that these changes will ensure that carriage house and accessory buildings will meet the spirit of the intended height without artificially changing the built form to gain height through altered roof designs.

In summary, after a thorough review of other municipalities and accessory development regulations, the City of Kelowna has a more conservative approach to the built form than other communities. These amendments are considered modest in nature, and do not propose changes to allowable size of either a secondary suite or carriage house, as this has been determined to be a very desirable habitable size as demanded by the market and varying demographic housing needs. The amendments are focused on ensuring that building height and corresponding roof pitches cannot be altered to gain additional height that has been seen to be the largest concern of introducing these forms of buildings into an established neighbourhood.

4.0 Proposal

Proposed amendments are discussed in detail below, however the exact wording changes are noted in Schedule ‘A’.

1. Amendment to “Height” definitions:

The height definition has been simplified and a definition for ‘mid-point’ is proposed. For further clarification, Diagram 2.1 is proposed to provide graphic illustration of height determination for various roof types to interpret allowable building height.

2. Changes to dormer regulations:

The current dormer regulations consider the peak of a dormer the highest point of a roof if they exceed 50% of the horizontal width of the building elevation on which they are located. In past development examples, this regulation has been manipulated to allow for expanded floor space within the upper ½ storey of carriage houses.

The proposed changes limit the number of dormers per elevation and the size of each dormer. It is anticipated that this change will reduce the perceived height of carriage houses, and further protect the privacy of neighbouring properties.

3. Revisions to accessory structure height in A1-Agriculture and RR1- Rural Residential zones:

It was noted that the allowable height for accessory buildings and carriage houses for the A1-Agriculture and RR1-Rural Residential zones was higher than permitted for a single family dwelling. This text amendment proposes to reduce the allowable height to ensure that accessory buildings containing habitable space are secondary in height to the principal residence. No changes are planned for the height of agricultural buildings which are currently permitted up to 16 meters in height.

4. Amendments of 's' to 'c' in section 7:

Housekeeping updates to complete the secondary suite changes from 's' to 'c' zoning designations as approved by Council in September 2012.

5. Clarify parking regulations for secondary suites and carriage houses:

The parking regulations for secondary suites and carriage houses were originally combined in Table 8.1 of the Zoning Bylaw 8000. For ease of interpretation by both Staff and the public, parking regulations for each of these uses is being separated.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Policy .2 Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs per ha located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.¹

5.2 Technical Comments

5.3 Building & Permitting Department

The only issue our department has is with the depiction of the parapet height as shown on the sketch. The other issue is that an allowance for firewalls as defined in the building code is exempt from the height calculations. *Height diagram has been adjusted to reflect this comment. Section 6.6.1 is being amended to include firewalls.*

5.4 Development Engineering Branch

Comments received pertained to reducing the required parking for carriage houses, which is no longer being contemplated in this report.

¹ Official community plan Objective 5.2 Community Sustainability

5.5 Ministry of Transportation and Infrastructure

The Ministry has no objections or concerns regarding the proposed amendments with respect to carriage houses. File No. 2012-05674

Report prepared by:

Birte Decloux, Land Use Planner

Reviewed by: Danielle Noble, Manager, Urban Land Use Management

Approved for Inclusion: Doug Gilchrist, Acting General Manager, Community Sustainability

Attachments:

Schedule 'A'

Diagram 2.1 - Height Interpretation

SCHEDULE 'A' Proposed Carriage House Text Amendments
TA12-0013

Zoning Bylaw No. 8000

| No. | Section | Existing Text | Proposed Text |
|-----|--|--|---|
| 1 | Section 2 - Interpretation Height | HEIGHT means, with respect to a building , the maximum vertical distance between building grade and the highest point of the structure of a non-sloping roof, or the mid-point between the eave line and ridge of a sloping roof excluding dormers as provided for in Section 6.6 describes restrictions for walkout basements. | HEIGHT with respect to a building , refers to the maximum vertical distance between building grade and the highest point of the structure of a non-sloping roof, or the mid-point of a sloping roof. (see Diagram 2.1) Note: Section 6.6 describes restrictions for walkout basements. provides additional height and grade regulations. |
| 2 | Insert Diagram 2.1 | | Add Diagram 2.1 (for illustrative purposes only) to definition of height. |
| 3 | Create a new definition for mid-point | | The mid-point of a roof means, the half way point of a roof that falls between the top of the peak and the top of the supporting wall. |
| 4 | Section 6.6 Height exemptions | 6.6.1 In determining whether a development conforms to the maximum height permitted in any zone , structures such as chimney stacks, aerials, antennae, water towers, wind machines, monuments, observation and transmission towers, farm silos, steeples, elevator housings, roof stairway entrances, ventilating equipment, skylights, or flagpoles for federal, provincial, or municipal flags shall not be considered for the purpose of determining the height . | 6.6.1 In determining whether a development conforms to the maximum height permitted in any zone , structures such as chimney stacks, aerials, antennae, water towers, wind machines, monuments, observation and transmission towers, farm silos, steeples, elevator housings, roof stairway entrances, ventilating equipment, firewalls , skylights, or flagpoles for federal, provincial, or municipal flags shall not be considered for the purpose of determining the height . |
| 5 | Section 6.6. Height and Grade 6.6.4 - dormers | Where the width of the dormer or dormers exceeds 50% of the width of the roof on which they are located the height of the dormer will be measured as if it was the main roof. | The height of dormers will be measured as if they are the main roof, unless the dormers are limited to 2 dormers per elevation, with a maximum width of 1.2m each and a minimum 1m separation. The total width of the dormers may not exceed 50% of the horizontal width of the |

Zoning Bylaw No. 8000

| No. | Section | Existing Text | Proposed Text |
|-----|--|---|--|
| | | | building elevation on which they are located. |
| 6 | Table 7.1 - Minimum Landscape Buffer Treatment Levels Schedule | RR1s, RR2s, RR3s | Change to: RR1c, RR2c, RR3c |
| 7 | Table 7.1 - Minimum Landscape Buffer Treatment Levels Schedule | Urban Residential Zones RU1, RU1s, RU2, RU2s, RU3 RU4, RU5, RU6 RM1, RM2, RM3, RM4, RU6b RM5, RM6, RM7, CD22 Sub Areas C, D, E, F, G, H RU1h, RU2h RU2hs | Urban Residential Zones RU1, RU1 s sc , RU2, RU2 s sc , RU3 RU4, RU5, RU6 RM1, RM2, RM3, RM4, RU6b RM5, RM6, RM7, CD22 Sub Areas C, D, E, F, G, H RU1h, RU2h RU2h s sc |
| 8 | 7.1 Required Landscaping | 7.1.1 The minimum level of landscaping required in each zone along all front, rear and side yards shall be determined from the Minimum Landscape Buffer Treatment Levels Schedule (Table 7.1) and landscaping details entitled Minimum Landscape Buffer in Section 7.7. Properties with an 's' as part of the zoning designation shall comply with the landscaping requirements of the parent zone (e.g. RU1s shall comply with the requirements of the RU1 zone). Similarly properties with a 'b' as part of the zoning designation shall comply with the landscaping requirements of the parent zone (e.g. RU6b shall comply with the requirements of the RU6 zone). | 7.1.1 The minimum level of landscaping required in each zone along all front, rear and side yards shall be determined from the Minimum Landscape Buffer Treatment Levels Schedule (Table 7.1) and landscaping details entitled Minimum Landscape Buffer in Section 7.7. Properties with an 's' 'c' as part of the zoning designation shall comply with the landscaping requirements of the parent zone (e.g. RU1sc shall comply with the requirements of the RU1 zone). Similarly properties with a 'b' as part of the zoning designation shall comply with the landscaping requirements of the parent zone (e.g. RU6b shall comply with the requirements of the RU6 zone). |
| 9 | 8.1.9 Parking Location For Residential use Classes | | (e) no required parking shall be in the form of a parallel parking stall adjacent to a lane or alley way unless the parallel parking site is accessed by a driveway and is screened from the lane way. |
| 10 | Table 8.1 - Parking Schedule Secondary Suite | 1 of the required parking spaces for a principal dwelling must be designated to the secondary suite . | 1 of the required parking spaces for a principal dwelling must be designated to the secondary suite . |

Zoning Bylaw No. 8000

| No. | Section | Existing Text | Proposed Text |
|-----|--|--|---|
| | | The space may not be located within an attached garage providing direct access to the principal dwelling or in a tandem configuration. Carriage house: 1 additional parking space, plus the required parking spaces for the corresponding principal dwelling unit. | The space may not be located within an attached garage providing direct access to the principal dwelling or in a tandem configuration. Carriage house: 1 additional parking space, plus the required parking spaces for the corresponding principal dwelling unit. |
| 11 | Table 8.1 - Parking Schedule Add: Carriage House | | Carriage house: 1 additional parking space, plus the required parking spaces for the corresponding principal dwelling unit. |
| 12 | A1 - Agriculture Zone-Development Regulations: Section 11.1.6(b) Section 11.1.6(e) | (b) The maximum height is the lesser of 9.5 m or 2½ storeys, except it is 13.0m for accessory buildings and 16.0 m for agricultural structures . The minimum rear yard is 10.0 m, except it is 3.0 m for accessory buildings . | (b) The maximum height is the lesser of 9.5 m or 2½ storeys, except it is 16.0 m for agricultural structures and 6.0m for accessory buildings or carriage house . The minimum rear yard is 10.0 m, except it is 3.0 m for accessory buildings and a carriage house . A carriage house must be located no closer than 4.5 m to the principal dwelling and no further than 10m from the principal dwelling . |
| 13 | RR1 - Rural Residential Section 12.1.6(b) | The maximum height is the lesser of 9.5 m or 2½ storeys, except it is 6.0 m for accessory buildings and accessory structures , and 13.0 m for agricultural structures . | The maximum height is the lesser of 9.5 m or 2½ storeys, except it is 6.0 m for accessory buildings , accessory structures , and for a carriage house . and 13.0 m for agricultural structures. |
| 14 | Schedule 'B' - Comprehensive Development Zones CD10 - Heritage Cultural | 1.3 Secondary Uses The secondary uses in this zone are: (a) bed and breakfast homes (b) care centres, intermediate (c) home based business, major (d) home based businesses, minor (e) retail services, general (f) secondary suites | 1.3 Secondary Uses The secondary uses in this zone are: (a) bed and breakfast homes (b) care centres, intermediate (c) home based business, major (d) home based businesses, minor (e) retail services, general (f) secondary suites (g) <i>carriage house</i> |

CITY OF KELOWNA
MEMORANDUM

Date: December 13, 2012
File No.: TA12-0013
To: Land Use Management Department (BD)
From: Development Engineering Manager
Subject: Text Amendment to Zoning Bylaw No.8000 regarding Carriage Houses

Development Engineering has the following requirements associated with servicing:

Development Engineering does not support the 11/Table 8.1 Parking Schedule Add: Carriage House.

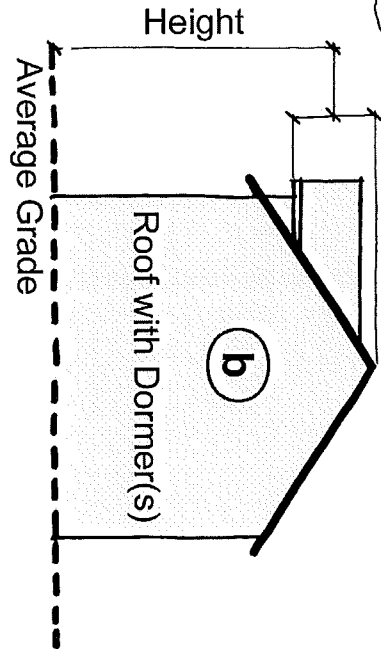
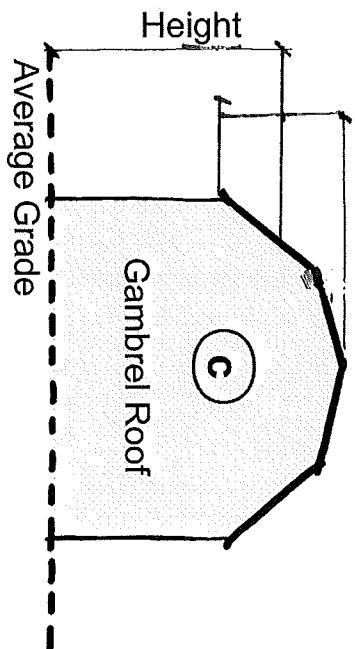
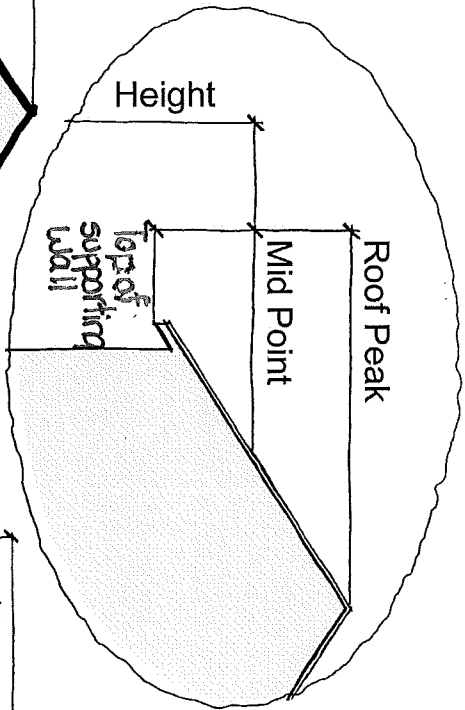
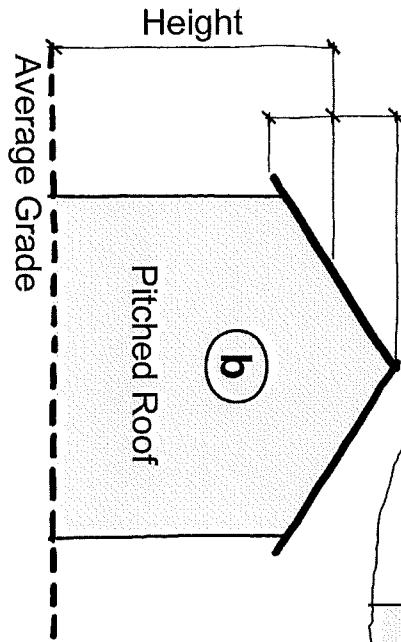
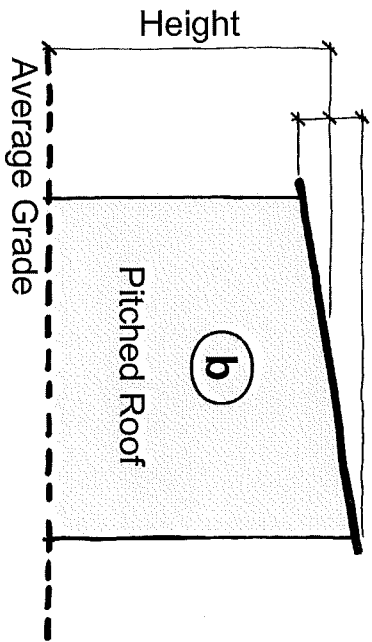
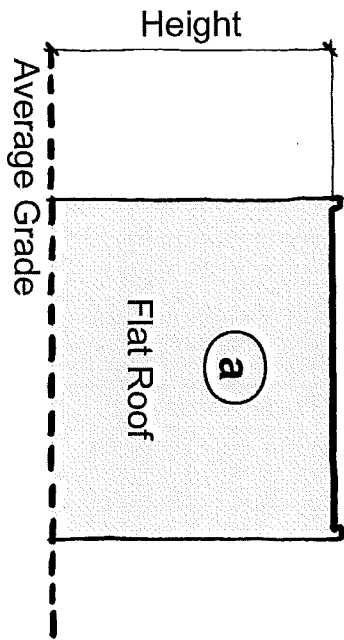
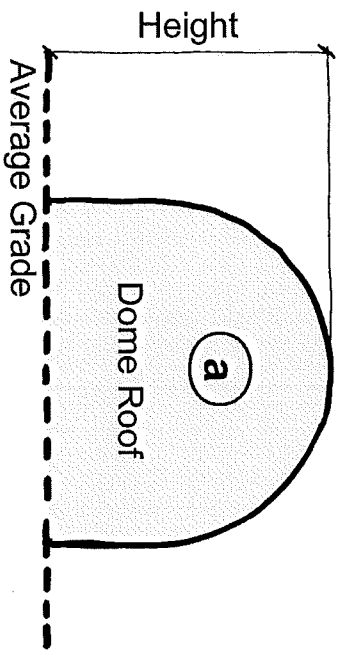
Currently, a principal dwelling unit requires 2 parking stalls. The Text Amendment recommends that with the addition of a Carriage House a principal dwelling unit will require 1 parking stall and that the carriage unit require 1 parking stall. This amendment essentially assumes that with the addition of a Carriage House, there will be less parking requirements for a Principal Dwelling.

Under this amendment, if the Principal Dwelling has 2 cars and the requirement is for 1 stall, how does Bylaw react to permanent parking on the street.

This Text Amendment should be circulated to Real Estate/Parking Branch.



Steve Muenz, P. Eng.
Development Engineering Manager



CITY OF KELOWNA

BYLAW NO. 10796

Text Amendment No. TA12-0013 -Amendment to the City of Kelowna Zoning Bylaw No. 8000 - Carriage House Text Amendments

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 Section 2 - Interpretation, 2.3 General Definitions be amended by:

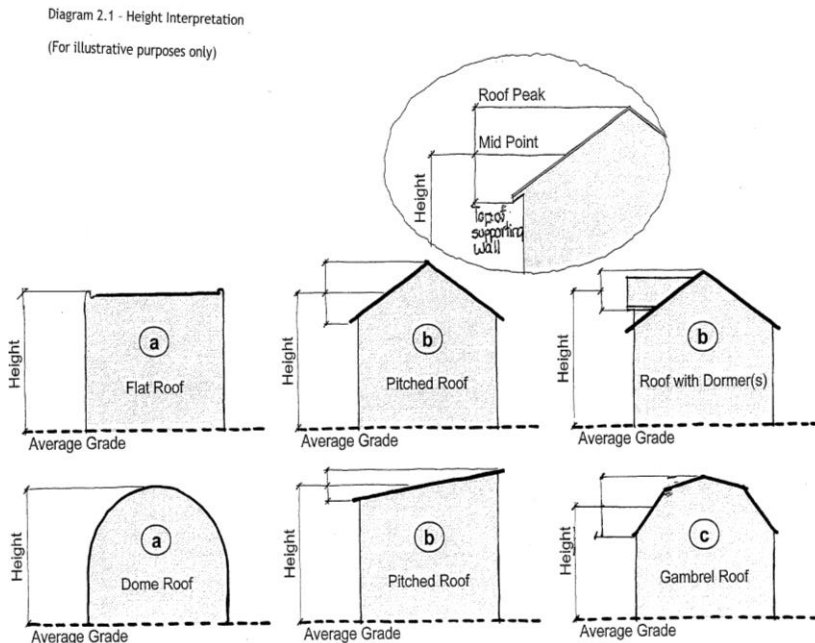
a) deleting the definition for **HEIGHT** that reads:

“**HEIGHT** means, with respect to a **building**, the maximum vertical distance between **building grade** and the highest point of the **structure** of a non-sloping roof, or the mid-point between the eaveline and ridge of a sloping roof excluding dormers as provided for in Section 6.6 describes restrictions for walkout basements.”

and replacing it with:

“**HEIGHT** with respect to a **building**, refers to the maximum vertical distance between **building grade** and the highest point of the **structure** of a non-sloping roof, or the **mid-point** of a sloping roof. (see Diagram 2.1)

Note: Section 6. 6 provides additional **height** and **grade** regulations.



Bylaw No. 10796

- b) Adding a new definition for **MID-POINT** in its appropriate location that reads:

“**MID-POINT** of a roof means, the half way point of a roof that falls between the top of the peak and the top of the supporting wall.”;

2. AND THAT **Section 6 - General Development Regulations, 6.6 Height and Grade, Sub-Section 6.6.1** be amended to include the word “firewalls,” after the words “roof stairway entrances, ventilating equipment,”;

3. AND THAT **Section 6 - General Development Regulations, 6.6 Height and Grade, Sub-Section 6.6.4** be deleted that reads:

“Where the width of the dormer or dormers exceeds 50% of the width of the roof on which they are located the **height** of the dormer will be measured as if it was the main roof.”

and replaced with:

“The **height** of dormers will be measured as if they are the main roof, unless the dormers are limited to 2 dormers per elevation, with a maximum width of 1.2m each and a minimum 1m separation. The total width of the dormers may not exceed 50% of the horizontal width of the building elevation on which they are located.”;

4. AND THAT **Section 7 - Landscaping and Screening, Section 7.7.1** be amended by:

a) deleting the words “an ‘s’” after the words “Properties with” and replacing it with the words “a ‘c’”; and

b) deleting the word “RU1s” in the sentence that reads “(e.g. RU1s shall comply with the requirements of the RU1 zone)” and replace it with “RU1c”;

5. AND THAT **Section 7 - Landscaping and Screening, Table 7.1 - Minimum Landscape Buffer Treatment Levels Schedule** be amended by:

a) deleting under **Rural Residential Zones**, “RR1s, RR2s, RR3s” and replacing it with “RR1c, RR2c, RR3c”; and

b) deleting under **Urban Residential Zones** the following:

i) “RU1, RU1s, RU2, RU2s, RU3” and replacing it with “RU1, RU1c, RU2, RU2c, RU3” and

ii) “RU2hs” and replacing it with “RU2hc”

6. AND THAT **Section 8 - Parking and Loading, Location, Section 8.1.9** be amended by adding a new sub-paragraph (e) as follows:

“(e) no required parking shall be in the form of a parallel parking stall adjacent to a lane or alley way unless the parallel parking site is accessed by a driveway and is screened from the lane way.”;

7. AND THAT **Section 8 - Parking and Loading, Table 8.1 - Parking Schedule** be amended as follows:

a) deleting under **Residential and Residential Related, Secondary Suites** at the end of the paragraph “Carriage house: 1 additional parking space, plus the required parking spaces for the corresponding principal dwelling unit.” and

Bylaw No. 10796

- b) adding under **Residential and Residential Related**, a new section in its appropriate location the following:

| | |
|-----------------------|--|
| Carriage House | 1 additional parking space, plus the required parking spaces for the corresponding principal dwelling unit. |
|-----------------------|--|

8. AND THAT **Section 11 - A1 - Agriculture 1/ A1c - Agriculture 1 with Carriage House/ A1t - Agriculture 1 with Agri-tourist Accommodation, 11.1.6 Development Regulations** be amended as follows:

- a) deleting sub-paragraph (b) that reads:

“(b) The maximum **height** is the lesser of 9.5 m or 2½ **storeys**, except it is 13.0m for **accessory buildings** and 16.0 m for **agricultural structures**.”

and replace it with;

“(b) The maximum **height** is the lesser of 9.5 m or 2½ **storeys**, except it is 16.0 m for **agricultural structures** and 6.0m for **accessory buildings or carriage house**.”

- b) deleting sub-paragraph (e) that reads:

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

and replacing it with:

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

9. AND THAT **Section 12 - Rural Residential Zones RR1/Rural Residential 1/RR1c - Rural Residential 1 with Carriage House, 12.1.6 Development Regulations** sub-paragraph (b) be amended by deleting the words at the end of the paragraph that read “, and 13.0 m for **agricultural structures**”;

10. AND THAT **Schedule ‘B’ - Comprehensive Development Zones, CD10 - Heritage Cultural, 1.3 Secondary Suites** be amended by adding a new sub-paragraph “(g) **Carriage House**” in its appropriate location.

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

Bylaw No. 10796

Read a first time 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

REPORT TO COUNCIL



Date: January 18, 2013
RIM No. 1250-30
To: City Manager
From: Land Use Management, Community Sustainability (BD)
Application: OCP10-0008 / Z10-0040 **Owner:** Alana Marrington
Address: 2149, 2159, 2169, 2179, 2189 **Applicant:** John & Alana Marrington
Pandoso Street John Balla
Subject: Rezoning Application, Extension Request
Existing OCP Designation: Multiple Unit Residential - Low Density
Existing Zone: RU6 - Two Dwelling Housing
Proposed Zone: HD1 - Health District 1

1.0 Recommendation

THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw Nos. 10439 AND 10440, (OCP10-0008 & Z110-0040, John & Alana Marrington and John Balla for 2149, 2159, 2169, 2179, 2189 Pandoso Street, Kelowna, B.C.) be extended from January 10, 2013 to July 10, 2013.

2.0 Purpose

To extend the deadline for adoption of OCP Amending Bylaw No. 10440 and Zone Amending Bylaw No. 10439 from January 10, 2013 to July 10, 2013.

3.0 Land Use Management

Section 2.12.1 of Procedure Bylaw No. 10540 states that:

In the event that an application made pursuant to this bylaw is one (1) year old or older and has been inactive for a period of six (6) months or greater:

- a) The application will be deemed to be abandoned and the applicant will be notified in writing that the file will be closed;
- b) Any bylaw that has not received final adoption will be of no force and effect;

c) In the case of an amendment application, the City Clerk will place on the agenda of a meeting of **Council** a motion to rescind all readings of the bylaw associated with that Amendment application.

Section 2.12.2 of the Procedure Bylaw makes provision for Council to consider an extension to an amending bylaw for up to 6 months beyond the 12 months deadline.

By-Law Nos. 10439 & 10440 received second and third readings on January 10, 2012 after the Public Hearing held on the same date. The applicant wishes to have this application remain open for an additional six months in order to secure the finance costs to meet site servicing requirements. This project remains unchanged and is the same in all respects as originally applied for.

The Land Use Management Department recommends Council consider the request for an extension favourably.

Report prepared by:

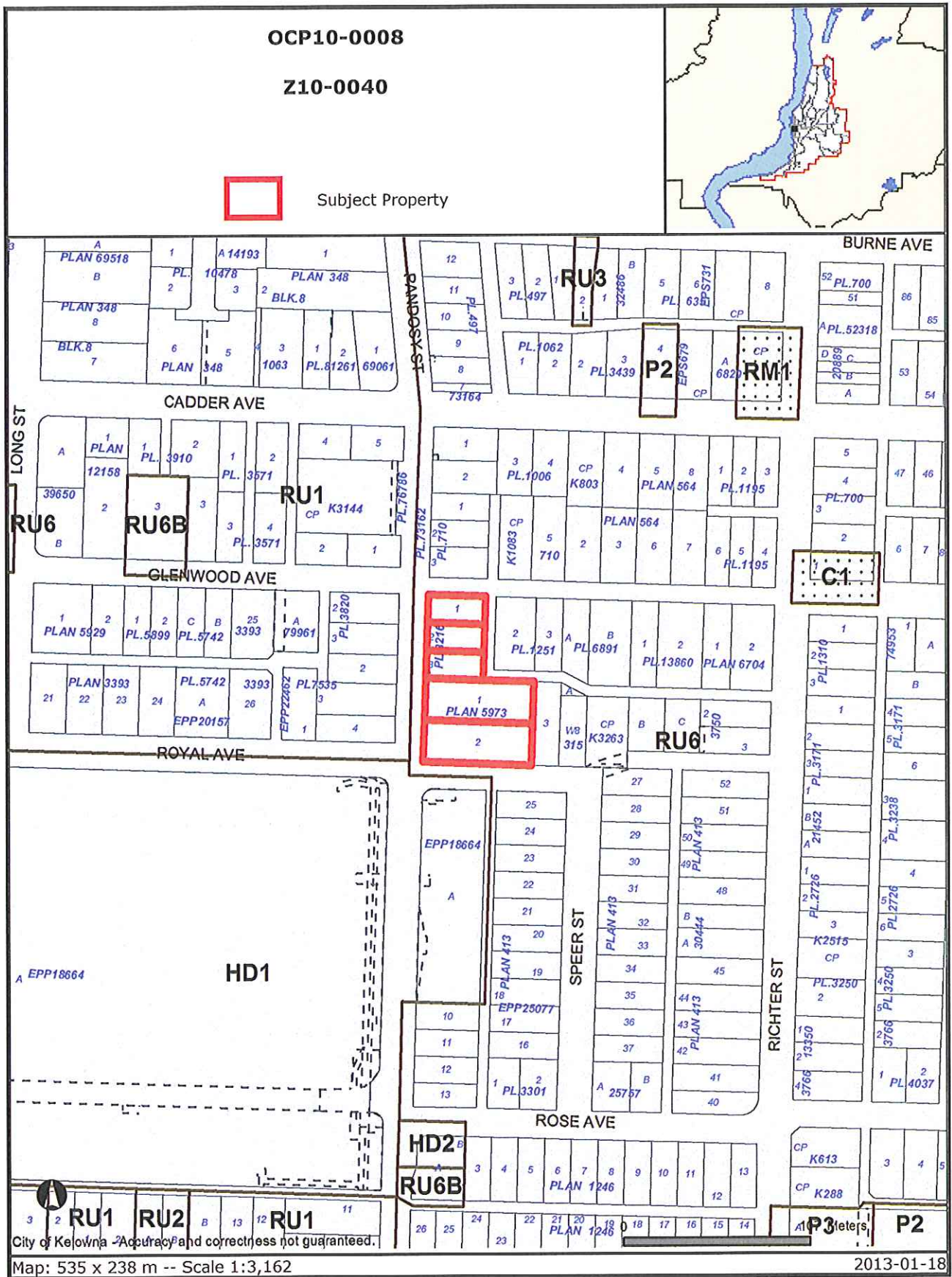
Alec Warrender, Land Use Planner
/hb

Reviewed by: Todd Cashin, Manager, Environment & Land Use

Approved for Inclusion Doug Gilchrist, Acting General Manager, Community Sustainability

Attachments:

Site Plan



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.

Report to Council



Date: January 21, 2013
File: 0600-10
To: City Manager
From: City Clerk
Subject: Road Closure and Removal of Highway Dedication Bylaw No. 10769
Report Prepared by: Corinne Boback, Legislative Coordinator

Recommendation:

THAT Council provides an opportunity for public input on the proposed road closure for a portion of Road adjacent to 580 Knox Mountain Drive;

AND THAT Bylaw No. 10769 , being Road Closure and Removal of Highway Dedication for a portion of Road adjacent to 580 Knox Mountain Drive be adopted.

Purpose:

To consider adoption of Bylaw No. 10769, being Road Closure and Removal of Highway Dedication for a portion of Road adjacent to 580 Knox Mountain Drive.

Background:

Bylaw No. 10769 received first three readings by Council on Monday, January 14, 2013. A copy of the Bylaw is attached. The following conditions of adoption have been met:

1. Newspaper Advertisements placed in local newspaper on January 18 and January 25, 2013 with the January 28, 2013 adoption date;
2. Posted on Public Notice Board;

Following an opportunity for the public to provide input at the January 28, 2013 meeting of Council, the bylaw may be considered for adoption. Registration at the Land Titles Office will proceed after the bylaw is adopted.

Submitted by:

S. Fleming, City Clerk

CITY OF KELOWNA

BYLAW NO. 10769

Road Closure and Removal of Highway Dedication Bylaw
(Portion of Road Adjacent to 580 Knox Mountain Drive)

A bylaw pursuant to Section 40 of the Community Charter to authorize the City to permanently close and remove the highway dedication of a portion of road adjacent to 580 Knox Mountain Drive

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

1. That portion of highway attached as Schedule "A" comprising 0.318 ha. shown in bold black as Road To Be Closed on the Reference Plan prepared by Neil Denby, B.C.L.S. and completed on 14 day of September, 2012, is hereby stopped up and closed to traffic and the highway dedication removed.
2. The Mayor and City Clerk of the City of Kelowna are hereby authorized to execute such conveyances, titles, survey plans, forms and other documents on behalf of the said City as may be necessary for the purposes aforesaid.

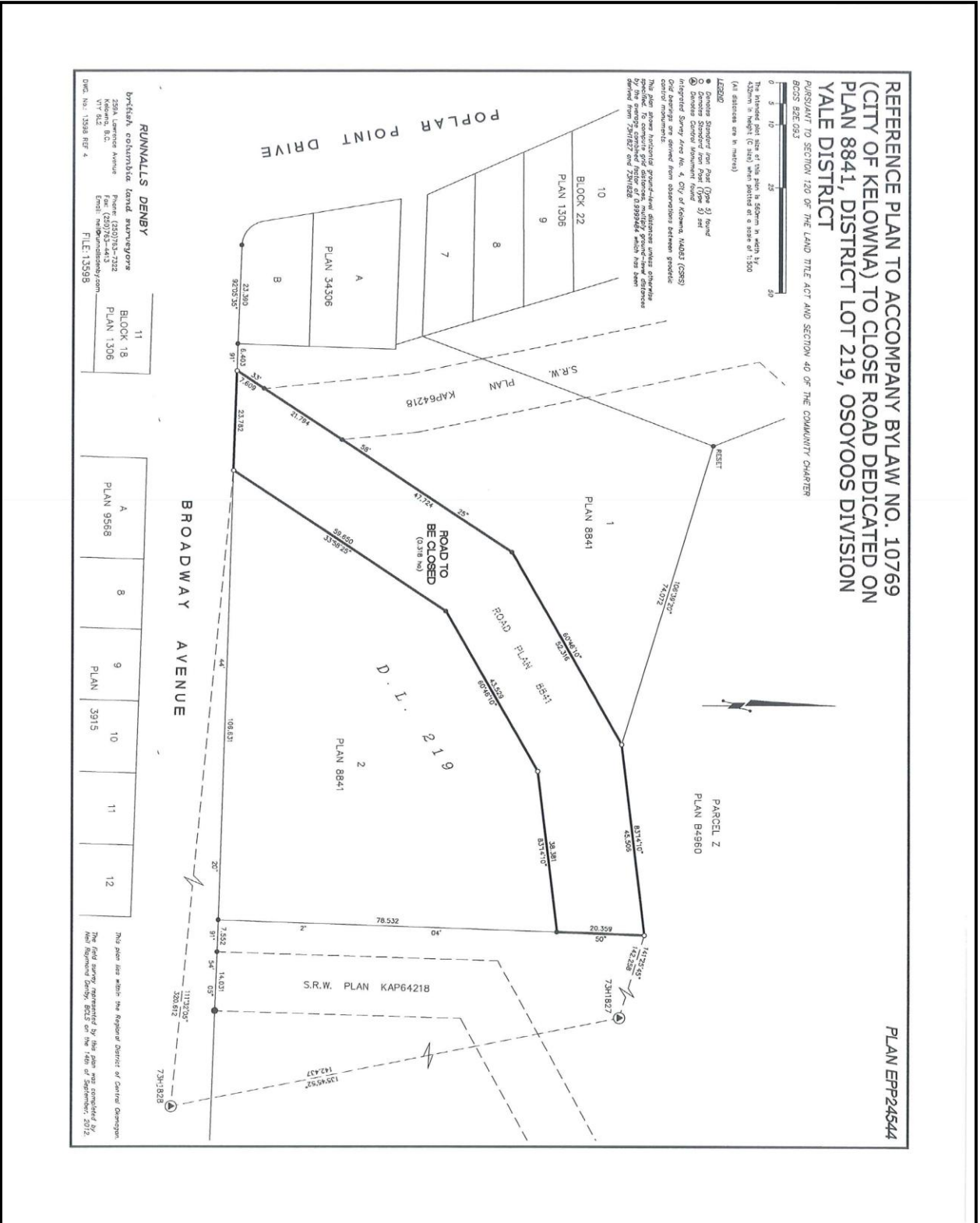
Read a first, second and third time by the Municipal Council this 14th day of January, 2013.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule "A"



RUNNALLS DENBY
 br/leah, columbia, david, sturneygors
 2354, Loraine Avenue
 Kelowna, B.C.
 V1Y 1D5
 Email: runnallsdenby@gmail.com
 P.L.E.: 13395

BLOCK 18
 PLAN 1306

| | | | | | |
|-----------|---|-----------|----|----|----|
| A | 8 | 9 | 10 | 11 | 12 |
| PLAN 9568 | | PLAN 3915 | | | |

This plan has been approved by the Regional District of Central Okanagan. The field survey represented by this plan was completed by the Registered Surveyor, S.S.L. on the 16th of September, 2012.

Report to Council



Date: Date
File: 0600-10
To: City Manager
From: City Clerk
Subject: Road Closure and Removal of Highway Dedication Bylaw No. 10770
Report Prepared by: Corinne Boback, Legislative Coordinator

Recommendation:

THAT Council provides an opportunity for public input on the proposed road closure for a portion of road adjacent to 591 Poplar Point Drive;

AND THAT Bylaw No. 10770 ,being Road Closure and Removal of Highway Dedication for a portion of road adjacent to 591 Poplar Point Drive, be adopted.

Purpose:

To consider adoption of Bylaw No. 10770, being Road Closure and Removal of Highway Dedication for a portion of road adjacent to 591 Poplar Point Drive.

Background:

Bylaw No. 10770 received first three readings by Council on Monday, January 14, 2013. A copy of the Bylaw is attached. The following conditions of adoption have been met:

1. Newspaper Advertisements placed in local newspaper on January 18 and 25, 2013 with the January 28, 2013 adoption date;
2. Posted on Public Notice Board;

Following an opportunity for the public to provide input at the January 28, 2013 meeting of Council, the bylaw may be considered for adoption. Registration at the Land Titles Office will proceed after the bylaw is adopted.

Submitted by:

S. Fleming, City Clerk

CITY OF KELOWNA

BYLAW NO. 10770

Road Closure and Removal of Highway Dedication Bylaw (Portion of road adjacent to 591 Poplar Point Drive)

A bylaw pursuant to Section 40 of the Community Charter to authorize the City to permanently close and remove the highway dedication of a portion of road adjacent to 591 Poplar Point Drive

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

1. That portion of highway attached as Schedule "A" comprising 209.9 m² shown in bold black as Road To Be Closed on the Reference Plan prepared by Neil Denby, B.C.L.S. and completed on 14 day of September, 2012, is hereby stopped up and closed to traffic and the highway dedication removed.
2. The Mayor and City Clerk of the City of Kelowna are hereby authorized to execute such conveyances, titles, survey plans, forms and other documents on behalf of the said City as may be necessary for the purposes aforesaid.

Read a first, second and third time by the Municipal Council this 14th day of January, 2013.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule "A"

