

**City of Kelowna  
Regular Council Meeting  
AGENDA**



Date: March 26, 2013  
Time: 6:00 pm  
Location: Council Chamber  
City Hall, 1435 Water Street

Pages

**1. Call to Order**

**2. Prayer**

A Prayer will be offered by Councillor DeHart.

**3. Confirmation of Minutes**

Public Hearing - March 12, 2013

Regular Meeting - March 12, 2013

**4. Bylaws Considered at Public Hearing**

**4.1 Bylaw No. 10817 (OCP12-0008) - 3787, 3791 and 3795 Lakeshore Road** 1 - 3

To give Bylaw No. 10817 second and third reading.

**4.2 Bylaw No. 10812 (TA12-0007) - New CD 24 Comprehensive Development Zone  
24 - Zoning Bylaw No. 8000** 4 - 47

To give Bylaw No. 10812 second and third reading.

**4.3 Bylaw No. 10818 (Z12-0039) - 3787, 3791 and 3795 Lakeshore Road** 48 - 49

To give Bylaw No. 10818 second and third reading.

**4.4 Bylaw No. 10816 (TA13-0003) - Miscellaneous Amendments - Zoning Bylaw No.  
8000** 50 - 58

To give Bylaw No. 10816 second and third reading.

**5. Notification of Meeting**

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

6. Development Permit and Development Variance Permit Reports

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

6.1 Bylaw No. 10793 - OCP12-0019 - The Creeks Kelowna - East of Steele Road 59 - 60

To adopt Bylaw No. 10793.

6.1.1 Bylaw No. 10794 - Z12-0057 - The Creeks Kelowna - East of Steele Road 61 - 62

To adopt Bylaw No. 10794.

6.1.2 Development Variance Permit Application No. DVP12-0143 - The Creeks Kelowna - East of Steele Road 63 - 73

To consider a Development Variance Permit to allow direct front driveway access where the Zoning Bylaw requires access from a rear lane (when present).

6.2 Development Variance Permit Application No. DVP13-0019 - John Robert and Mary MacDonald - 990 Villa Vista Road 74 - 83

The purpose of this application is to vary the required south side yard setback to facilitate the legalization of a carport structure and an addition to the dwelling.

7. Reminders

8. Termination

# CITY OF KELOWNA

## BYLAW NO. 10817

### Official Community Plan Amendment No. OCP12 - 0006 Westcorp on the Lake Inc. No. A75763 3787, 3791 and 3795 Lakeshore Road

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WHEREAS Council wishes to adopt certain text amendments to Bylaw No. 10500 - *Kelowna 2030 - Official Community Plan*;

AND WHEREAS Council may adopt an official community plan by bylaw and each reading of the bylaw must receive an affirmative vote of a majority of all members of Council;

AND WHEREAS after first reading of the bylaw and before third reading of the bylaw, Council held a public hearing on the proposed amendments to the official community plan in accordance with Sections 890 through 894 of the *Local Government Act*;

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of “*Kelowna 2030 - Official Community Plan* Bylaw No. 10500” be amended by changing the Generalized Future Land Use designation for Lot 2, D.L. 134, ODYD, Plan 3420 Except Parcel A (Plan B6180 and Plan H9673), located at 3791 Lakeshore Road; Lot 3, DL 134, ODYD, Plan 3420 Except Plan H9673, located at 3795 Lakeshore Road, and Lot B, D.L. 134, ODYD, Plan 12063 located at 3787 Lakeshore Road, Kelowna B.C. from the Mixed Use Tourism / Multiple Unit Residential - Medium Density / Multiple Unit Residential - Low Density / Major Park & Open Space to the Mixed Use Tourism / Multiple Unit Residential - High Density / Multiple Unit Residential - Medium Density / Major Park & Open Space, as shown on Map “A” attached to and forming part of this bylaw;
2. AND THAT Chapter 5 - Development Process, Objective 5.5 Ensure appropriate and context sensitive built form, Policy .1 Building Height, OTHER URBAN CENTRES, Elsewhere be amended by adding to the table titled, “Policy .1 Building Heights Does Not Apply to the following:” the following civic and legal addresses:

|                     |  |
|---------------------|--|
| 3787 Lakeshore Road | Lot B, D.L. 134, ODYD, Plan 12063  |
| 3791 Lakeshore Road | Lot 2, D.L. 134, ODYD, Plan 3420 Except Parcel A (Plan B6180 and Plan H9673) |
| 3795 Lakeshore Road | Lot 3, DL 134, ODYD, Plan 3420 Except Plan H9673                             |

3. 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 .

Considered at a Public Hearing on the

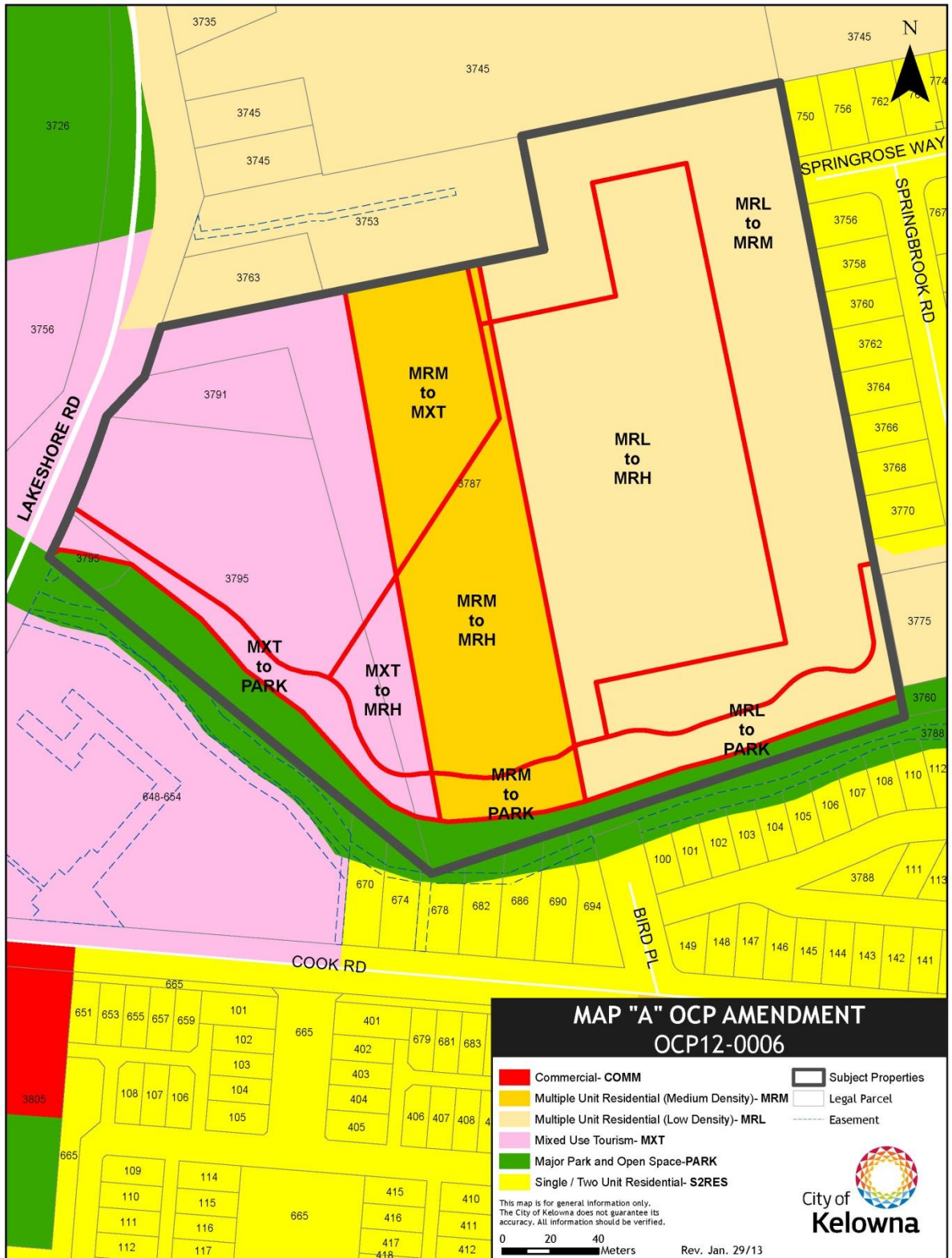
Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

\_\_\_\_\_  
Mayor

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





# CITY OF KELOWNA

## BYLAW NO. 10812

### Text Amendment No. TA12-0007 -Amendment to the City of Kelowna Zoning Bylaw No. 8000 - New CD24 - Comprehensive Development Zone 24

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 1 - General Administration, 1.3 Zoning Map, 1.3.1** be amended by adding to the end of **Section 18 - Comprehensive Development Zones** the following:

|      |                                   |
|------|-----------------------------------|
| CD23 | (Intentionally Blank)             |
| CD24 | Comprehensive Development Zone 24 |

2. AND THAT **Section 7 - Landscaping and Screening, Table 7.1 - Minimum Landscape Buffer Treatment Levels Schedule,**
  - a) be amended in **Commercial Zones**, under **Location** by adding “CD24 Sub-Area A”; and
  - b) be amended in **Urban Residential Zones**, under **Location** by adding “CD24 Sub-Area B”
3. AND THAT a new **CD24 - Comprehensive Development Zone 24** be added to **Section 18 - Schedule B - Comprehensive Development Zones** as attached outlined in Schedule “A” attached;
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

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

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(Approving Officer-Ministry of Transportation and Infrastructure)

Adopted by the Municipal Council of City of Kelowna on the

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Mayor

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City Clerk

## Schedule 'A'

**CD24 – Comprehensive Development Zone****1.1 Purpose**

The purpose is to provide for the integrated design of a comprehensive mixed-use development which includes tourist commercial and residential uses.

**1.2 CD24 Lands**

The CD24 Lands consist of two Sub-Areas A and B inclusive (“CD24 Sub-Areas”) as shown on Plan HW-1. The boundaries of Areas A and B will generally conform to Plan HW-1.

**1.3 Regulations**

In the CD24 Comprehensive Development Zone, regulations may be different for each CD24 Sub-Area as set out in the CD24 Sub-Area Zoning as shown on Schedules 1 and 2.

**1.4 General Regulations of the Comprehensive Site**

- (a) **Section 6 – General Development Regulations** of this bylaw applies;
- (b) **Section 7 – Landscaping and Screening** of this bylaw applies;
- (c) **Section 9 – Specific Use Regulations** of this bylaw does not apply with the exception of:
  - Sub-Section **9.2 – Home Based Business, Minor**;
  - Sub-Section **9.3 – Home Based Business, Major**.
- (d) The CD24 Comprehensive Development Zone has been designated as a Development Permit Area by “Kelowna 2030 – Official Community Plan Bylaw No. 10500” for the purpose of guiding the form and character of development. The guidelines applicable to the CD24 Comprehensive Development Zone are annexed to this Bylaw as Annexure “1” and entitled “CD24 Comprehensive Development Area Design Guidelines”.

**1.5 Site Coverage**

- (a) The maximum **site coverage** is 40%, provided that the maximum **site coverage** of **buildings**, driveways, and above ground parking areas is 50%.
- (b) Parking structures located above natural finished grade and surfaced with landscaping or useable open space shall not be included in the calculation of site coverage.

**1.6 Other Regulations**

- (a) A total of fifty (50) purpose-built rental units shall be included in the CD24 zone prior to the completion of 570 units.
- (b) No commercial uses shall be located beyond 250 metres of Lakeshore Drive frontage.

## 1.7 Parking and Loading

- 1.7.1 Loading facilities shall be designed in accordance with the loading regulations of **Section 8 – Parking and Loading** of this bylaw, with the exception that the minimum number of loading spaces required must be in accordance with **Table 2** of this CD24 Zone.
- 1.7.2 **Parking spaces** shall be designed in accordance with the parking regulations of **Section 8 – Parking and Loading** of this bylaw, with the exception that the minimum number of **parking spaces** required must be in accordance with **Table 1** of this CD24 Zone.
- 1.7.3 Bicycle parking shall be provided in accordance with the bicycle parking regulations of **Section 8 – Parking and Loading** of this bylaw.
- 1.7.4 Co-op cars or pool cars provided for shared use by residential development shall equate to five parking stalls per pool car provided. A maximum of 10 pool cars can be used for parking stall credits within the zone. The provision of pool cars shall be considered as part of a Development Permit and will be secured by way of agreement with the developer.

**Table 1: Parking**

| Use   | Minimum Parking Space Requirement   |
|---|---|
| Commercial  | 2.5 spaces per 100 m <sup>2</sup> Gross Floor Area  |
| Residential   | 1.4 spaces per dwelling unit / 3 bedroom apartment<br>1.2 space per dwelling unit / 2 bedroom apartment<br>1.0 spaces per dwelling unit / 1 bedroom apartment<br>0.8 spaces per dwelling unit / studio apartment<br>1.55 spaces for dwelling unit/ 3+ bedroom townhouse unit<br>1.35 spaces per dwelling unit/2 bedroom townhouse unit<br>1.10 spaces per dwelling unit/ 1 bedroom townhouse unit<br>Additional parking shall be designated for residential visitor parking at a rate of 1 space for every 7 dwelling units |
| Supportive Housing  | 1 space per three bed spaces  |
| Hotels  | 0.75 spaces per sleeping unit   |
| Hotel Ancillary Uses<br>(restaurant/lounge,<br>conference/meeting rooms,<br>retail shops) | 4.0 spaces per 100 m <sup>2</sup> of Gross Floor Area   |

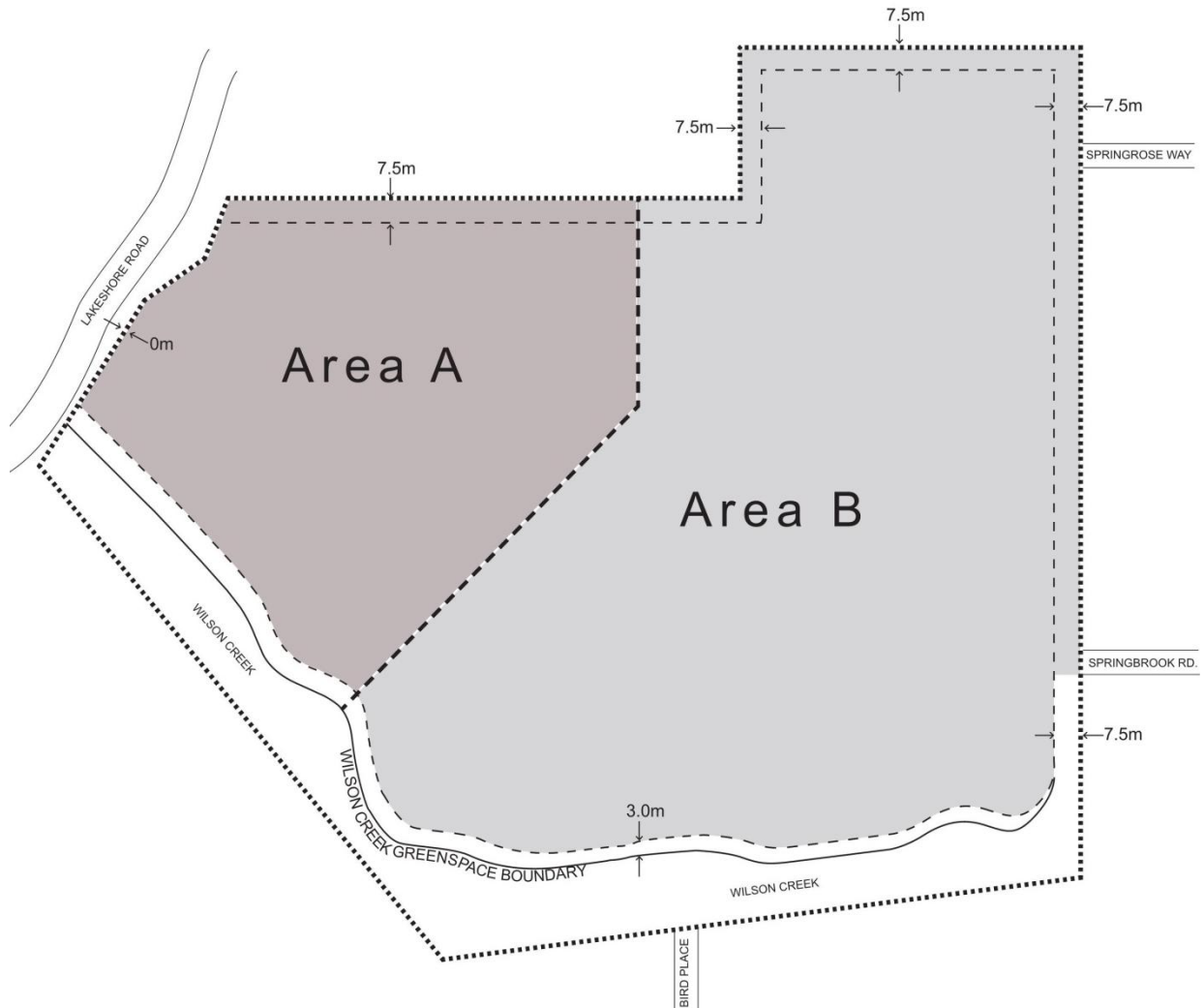
**Table 2: Loading**

| Use              | Minimum Parking Space Requirement   |
|------------------|---|
| Commercial/Hotel | 2 Large scale loading stalls<br>1 per 2,800 m <sup>2</sup> gross floor area |

## 2.1 Subdivision Regulations

- (a) Each lot created that is serviced by the common lot access shall have a minimum frontage on the common lot access of 10 metres
- (b) Area B minimum lot width is 25 metres
- (c) Area B minimum lot depth is 30 metres
- (d) Area B minimum lot area is 750 m<sup>2</sup>
- (e) At the time of subdivision, a Section 219 Restrictive Covenant will be registered on all properties indicating the allocation of I Net Floor Area to each of the lots being created. The sum of all allocation covenants cannot exceed 90,990 m<sup>2</sup> or 1.25 FAR.

**PLAN HW-1**



## **SCHEDULE 1 – CD24 SUB-AREA A ZONING**

### **7.1 Purpose**

The purpose of Sub-Area A is to provide a mix of tourist commercial and residential uses.

### **7.2.1 Principal Uses**

The **principal uses** in this Sub-Area are:

- a) **apartment hotels**
- b) **boarding or lodging houses**
- c) **congregate housing**
- d) **group home major**
- e) **hotels**
- f) **motels**
- g) **multiple dwelling housing**
- h) **supportive housing**
- i) **tourist campsites**

### **7.2.2 Secondary Uses**

- a) **agriculture, urban**
- b) **boat storage (only within an enclosed building or structure)**
- c) **care centre major**
- d) **community recreation services**
- e) **financial services**
- f) **food primary establishment**
- g) **health services**
- h) **liquor primary establishment , major**
- i) **liquor primary establishment, minor**
- j) **liquor primary license**
- k) **non-accessory parking**
- l) **home based business minor**
- m) **offices**
- n) **participant recreation services, indoor**
- o) **personal services establishments**
- p) **retail liquor sales (establishments)**
- q) **retail store, general**

### **7.3 Density**

- a) Area A has a maximum F.A.R. of 1.5. The overall site density shall not exceed a Net Floor Area of 90,990 m<sup>2</sup> or an F.A.R. of 1.25 calculated on the gross site area, whichever is the greater.
- b) Area A has a minimum ground floor commercial area of 2,500 m<sup>2</sup>.
- c) A minimum of 50% ground floor commercial area within Area A must front Lakeshore Drive.

### **7.4 Height**

The maximum **height** of one **building** within Area A shall be the lesser of 36 metres or 11 **storeys**, not including rooftop mechanical penthouse, antenna or other ancillary structures. For all other buildings in Area A, the maximum height should be the lesser of

33 metres or ten (10) **storeys**, not including rooftop mechanical penthouse, antenna or other ancillary structures.

### 7.5.1 Site Setbacks

#### *Perimeter Property Line Setbacks*

- a) South Side – 3.0 metres from the boundary of the Wilson Creek green space for any **buildings** and **structures** less than 15 metres in **height**. All portions of **buildings** and **structures** above 15 metres in **height** will require an additional 1.5 metre setback for a total of 4.5 metre setback from the boundary of the Wilson Creek Green Space.
- b) North Side – 7.5 metres for all **buildings** and **structures** up to 10 metres in **height**; 15 metres for any **buildings** and **structures** greater than 10 metres in **height**.
- c) West Side / Lakeshore Road Frontage – 0.0 metres for 50% of the **frontage** and 3.0 metres for 50% of the **frontage** for any **buildings** or **structures** under 10 metres in **height**. 3.0 metres for any portion of **buildings** or **structures** above 10 metres in **height**. Notwithstanding this provision, architectural features that are less than 25% of the building face width may encroach into the 3.0 metre setback requirement, to a maximum of 1.5 metres.

### 7.5.2 Internal Site Setbacks

- a) The site is intended to be subdivided further into individual parcels served by a common lot access road. The minimum setbacks for all internal parcels are:
  - i. 0 metres for all parking structures;
  - ii. 0 metres for front yard setback; and
  - iii. 3.0 metre setback from all internal side and rear yards.

### 7.6 Private Open Space

A minimum area of 7.5 m<sup>2</sup> of private open space shall be provided per **bachelor dwelling, apartment hotel unit, or congregate housing bedroom**; 15 m<sup>2</sup> of **private open space** shall be provided per **1 bedroom dwelling**, and 25 m<sup>2</sup> of **private open space** shall be provided per **dwelling** with more than **1 bedroom**, except for hotel where no minimum private open space is required.

### 7.7 Other Regulations

- a) The maximum site area of Sub-Area A is 35,000 m<sup>2</sup>.
- b) Financial services use shall not have a floor area greater than 280 m<sup>2</sup>
- c) Health services and office uses shall not have a cumulative floor area that exceeds 500 m<sup>2</sup>
- d) Retail store, general use shall be limited to a maximum single tenancy of 1,400 m<sup>2</sup>



## Annexure 1

**SCHEDULE 2 – CD24 SUB-AREA B ZONING****8.1 Purpose**

The purpose of Sub-Area B is to provide multi-family residential housing.

**8.2.1 Principal Uses**

The **principal uses** in Sub-Area B are:

- a) **congregate housing**
- b) **group home major**
- c) **multiple dwelling housing**
- d) **supportive housing**

**8.2.1 Secondary Uses**

The **secondary uses** in Sub-Area B are:

- a) **agriculture, urban**
- b) **boarding or lodging houses**
- c) **care centre major**
- d) **care Centre, major**
- e) **non-accessory parking**
- f) **community recreation services**
- g) **home based business, minor**

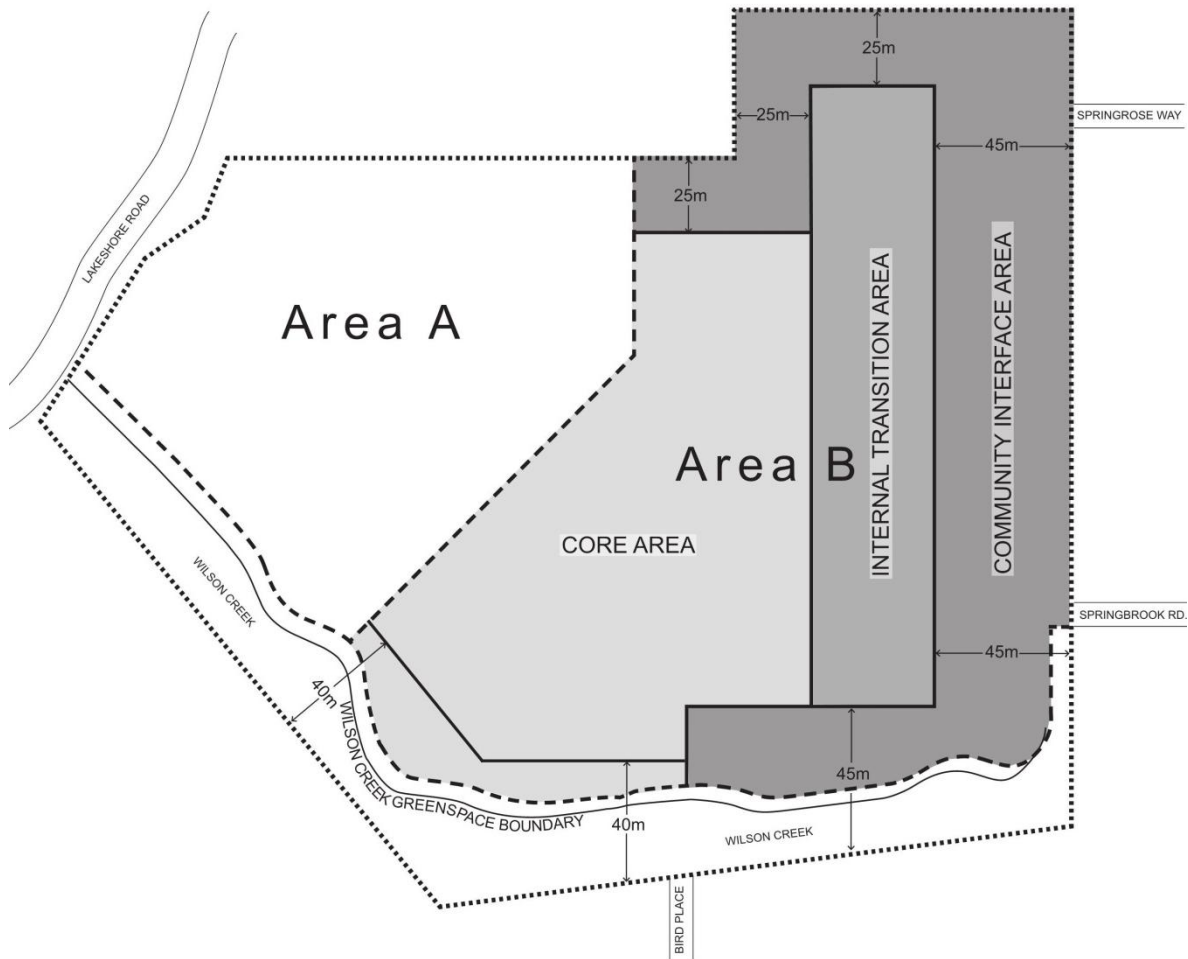
**8.3 Density**

Sub-Area B has a maximum density of 1.20 F.A.R. In addition, the overall site density shall not exceed a Net Floor Area of 90,990 m<sup>2</sup> or an F.A.R. of 1.25 calculated on the gross site area, whichever is the greater.

**8.4 Height**

For the purposes of **height**, Sub-Area B will be made up of three (3) distinct areas as illustrated on Plan HW-2. **Building heights** within the Community Interface area shall be the lesser of 11.5 metres or 3.5 **storeys**. **Building heights** within the Internal Transition area shall be the lesser of 20.5 metres or 6 **storeys**. **Building heights** within the Core Area shall be the lesser of 29.5 metres or 9 **storeys**.

PLAN HW-2



## 8.5 Site Setbacks

### *Perimeter Setbacks*

- a) South Side – 3.0 metres from the boundary of the Wilson Creek green space for any **buildings** and **structures** less than 15 metres in **height**. All portions of **buildings** and **structures** above 15 metres in height will require an additional 1.5 metre setback for a total of 4.5 metre setback from the boundary of the Wilson Creek green space.
- b) North Side – 7.5 metres for all **buildings**.
- c) East Side – 7.5 metres for all **buildings**.

### *Internal Setbacks*

- a) The site is intended to be subdivided further into individual parcels served by a common lot access road. The minimum setbacks for all internal parcels are:
  - o 0 metres for all parking structures;
  - o 2 metres from the fronting road, and
  - o 3.0 metres from all side and rear yards.

## 8.6 Private Open Space

A minimum area of 7.5 m<sup>2</sup> of private open space shall be provided per **bachelor dwelling or congregate housing bedroom**; 15 m<sup>2</sup> of **private open space** shall be provided per **1 bedroom dwelling**; and 25 m<sup>2</sup> of **private open space** shall be provided per **dwelling** with more than **1 bedroom**.

## 8.7 Other Regulations

- a) The maximum site area of Sub-Area B is 60,000 m<sup>2</sup>.
- b) The uses set within Section 8.2 are only permitted provided that off-street vehicular parking and off-street loading must be screened from public view with a minimum 2.0 metre landscape buffer. This buffer can be reduced to a 1.0 metre width when provided in combination with a decorative fence or wall with a minimum height of 1.2 metres. A minimum of 50 family-oriented **dwelling**s shall be included in Sub-Area B prior to the completion of 400 residential units. Family-oriented dwellings, for purposes of this zone, are defined as a **dwelling** suitable as a residence for a **household** with children which meets the following criteria:
  - i. The lowest **storey** of the **dwelling** is no higher than the third storey of the building;
  - ii. The **dwelling** has two bedrooms or more, and the average number of bedrooms per **dwelling** is not less than 2.25 for all such dwellings in a development;
  - iii. The **dwelling** has individual and private access to grade, except that in the case of stacked row housing access to **dwelling**s above the first **storey** may be shared by two **dwelling**s. In the case of **apartment housing**, access to **dwelling**s above the first storey may be shared, provided that entrances to not more than six **dwelling**s are located on any one **storey** or landing.

Annexure 1



# CD24 COMPREHENSIVE DEVELOPMENT DESIGN GUIDELINES

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# INTRODUCTION AND OVERVIEW

The development envisioned under the CD24 zone is to be a place where a sense of community thrives and pride in the neighbourhood is evident.

The CD24 development will be an inviting and sustainable mixed-use commercial residential neighbourhood that will support the tourism potential of this unique area of Kelowna. The overall vision for CD24 is forward thinking; incorporating principles of smart growth development, a high level of urban design and best management practices for sustainability. The following are the over-arching development objectives for CD24:

- ≈ Promote the City of Kelowna’s vision for new communities and development, as outlined in Chapter 5.0 of the 2030 Overall Community Plan (OCP): *develop in a sustainable manner; focus development in established growth areas; ensure appropriate and context sensitive built form; create a sense of community; provide high quality urban design; create opportunities for greater pedestrian, active transportation and public transit use.*
- ≈ Promote the creation of a *Complete Communities and Compact Urban Form* that combines a variety of residential building types with a tourism based commercial and retail component that is responsive to the surrounding context.
- ≈ Promote a pedestrian-oriented lifestyle community that integrates mixed-use development with park-like open spaces that are inter-connected by pathways both internally and externally.



SITE PLAN



MIXED USE – COMMERCIAL TOURISM



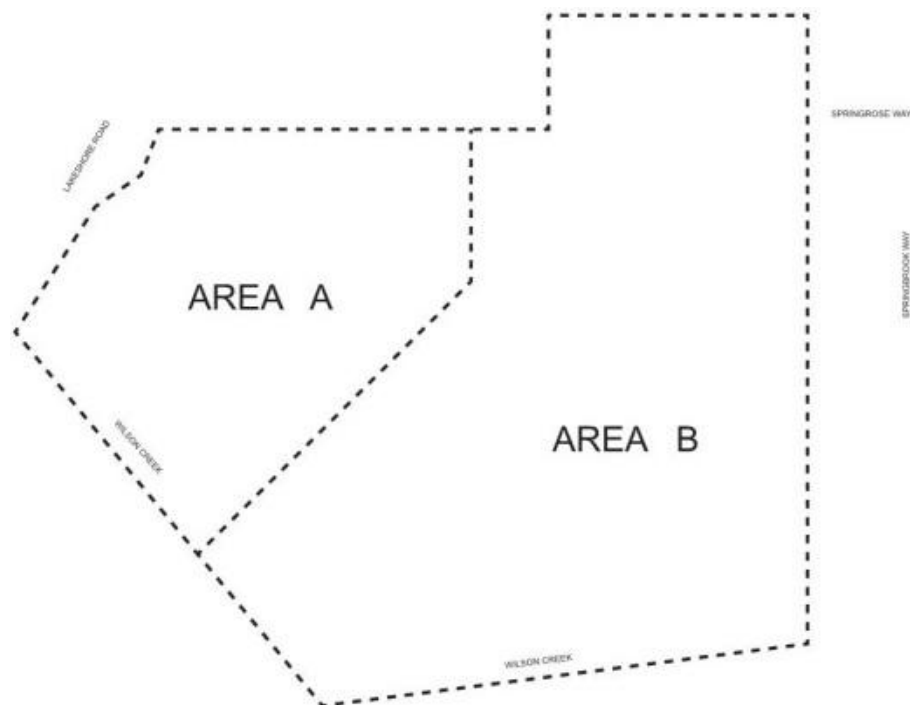
SUSTAINABILITY

- ≈ Promote the construction of energy efficient buildings and best management practices with regards to sustainability initiatives for community design, energy efficiency, reduced water consumption, active transportation, increased biodiversity and preservation of ecology.

The following *Design Guidelines* will ensure a harmonious understanding of the ‘vision’, with a strong focus on environmental, economic and social sustainability.

### 1.1 USING THE DESIGN GUIDELINES

These Design Guidelines form part of a Comprehensive Development (CD24) agreement that will shape the future of this multi-phased mixed-use development. The site has been divided into two distinct areas (Area A and Area B). Area A has both residential and commercial uses and Area B has only residential uses. As such, these guidelines have been structured to include overall guidelines for both Area A and Area B and commercial specific guidelines for Area A.



The intent of the Design Guidelines is to provide the following:

- ≈ Provide the framework that will be used by individuals preparing the form and character Development Permit applications relating to buildings and open spaces within the CD24 boundary.
- ≈ Assist the City of Kelowna’s planning staff with individual Development Permit applications within the CD24 boundary.
- ≈ Provide general guidance as to the level of detailed design needed to ensure that each individual development is compatible with the overall urban design concept established for CD24 Zone.
- ≈ Provide, through high-level graphic examples, to illustrate potential applications of the design guidelines.

These guidelines are not intended to be the final form of development, but rather represent a ‘conforming outline’ to be used as a starting point for detailed design to build upon.

**1.2 GUIDING PRINCIPLES**

Guiding principles represent the larger planning and design objectives that are to be reinforced whenever possible during subsequent development stages.

**1.2.1 LAND USE PRINCIPLES**

- ≈ The development of the CD24 site will incorporate a mix of land uses including retail, commercial, hotel and residential with associated residential uses.
- ≈ Land use for the CD24 site has been allocated to two different areas (*‘Area A’* and *‘Area B’*).



RESIDENTIAL BUILDING



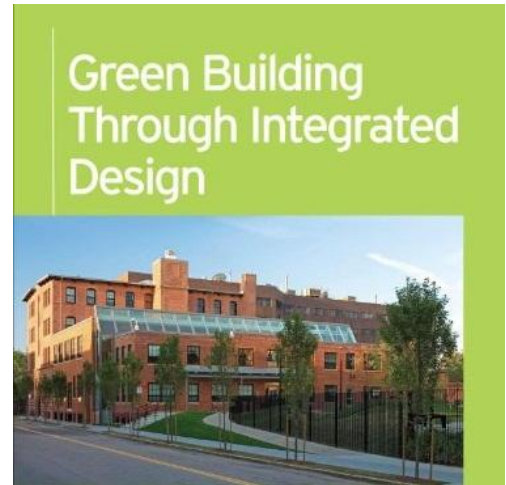
RESIDENTIAL BUILDING



- ≈ Area A’s core land use will be tourism-based commercial that includes hotel and conference space, ground floor retail, and residential use located above retail. Commercial development will be complemented with an urban plaza space that accommodates some surface parking.
- ≈ Area A’s building forms respond to the Lakeshore Road frontage and will have a landmark structure in terms of scale and architecture.
- ≈ Area B’s land use will be residential, with no commercial or retail use, and will be complemented by an inter-connected network of landscaped open spaces.
- ≈ Area B’s building forms will be mid-rise, multi-unit structures that step back in height from the site edges in response to adjacent existing residential.
- ≈ Vehicular traffic within the site will be accommodated by an internal road network, with limited surface parking and an easily accessible parking structure.

1.2.2 SUSTAINABILITY PRINCIPLES

- ≈ To promote higher density mixed-use development near existing communities and public infrastructure to reduce adverse environmental and public health effects associated with low density urban sprawl.
- ≈ To encourage the development of energy-efficient buildings by employing strict heating and cooling strategies that will reduce dependency on natural resources.
- ≈ To reduce pollution and flooding associated with major storm events through on-site stormwater capture and treatment to promote aquifer recharge and improve water quality by emulating natural conditions.
- ≈ To reduce energy consumption and pollution from motor vehicles by providing high levels of external connectivity and by encouraging alternative modes of transportation such as public transit, cycling, car sharing and walking.
- ≈ To promote a healthy lifestyle by providing safe, appealing and comfortable street, pathway and open space environments.



GREEN BUILDING



ACTIVE TRANSPORTATION



COMMUNITY GARDENS

- ≈ To preserve water quality, natural hydrology, habitat, and biodiversity through conservation and rehabilitation of wetlands and Wilson Creek.
- ≈ To enable the widest spectrum of people, regardless of age or ability, to more easily participate in community life by incorporating principles of universal accessibility into the design process.
- ≈ To promote community-based food production, access to fresh produce, and improve nutrition through provision of community gardens.
- ≈ To limit or eliminate the use of potable water for irrigation by use of captured or recycled water for use in landscape irrigation.
- ≈ To minimize amounts of sod lawn provided and to use a planting palette of drought tolerant native, or native-adaptive, plant species to minimize water consumption for irrigation.

1.2.3 URBAN DESIGN PRINCIPLES

- ≈ It is the overall intent that the CD24 development site incorporates a high level of urban design and character into its buildings and outdoor open spaces that is responsive to the functional requirements of a mixed-use development, the site’s unique context, and the promotion of a pedestrian-oriented neighbourhood.
- ≈ Building and open space design should convey human scale, address pedestrian comfort and safety, and complement the surrounding community as well as existing buildings.
- ≈ Create opportunities for public open space as part of the development that is safe, of high-quality and human scale.
- ≈ Consider a road network as part of the public open space that will include amenities that promote pedestrian comfort and use.



MINIMAL SOD PLANTING



MIXED-USE – URBAN DESIGN



PEDESTRIAN FRIENDLY STREETScape



TOURISM - COMMERCIAL



1.2.4 RESPONSE TO CONTEXT

- ≈ Development in Area A will have a strong urban character in the treatment of buildings and open spaces in response to the context of Lakeshore Road, Manteo Resort and other major commercial developments within the Cook Road Tourist Commercial Area.
- ≈ Development in Area B will have a residential character through scale and material treatment of buildings, landscape buffers and landscape treatment of open spaces that respond to the context of adjacent existing residential uses.
- ≈ Development in both Area A and Area B will respond to the highly naturalized character of the Wilson Creek wetland and riparian corridor by providing the required building setbacks from the City of Kelowna Wilson Creek Linear Park and accompanying environmental green space.
- ≈ Character of exterior spaces and selection of plant material is to transition from cultured (inside site) to natural (edge of site at environmental riparian zone).
- ≈ The character of buildings and public spaces within the CD24 site should celebrate that which is unique and distinctive about the Okanagan Valley by drawing inspiration from the region’s natural and cultural landscapes.



WILSON CREEK



OKANAGAN INSPIRED LANDSCAPING

1.2.5 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- ≈ Provide sufficient density to help ensure enough “eyes and ears” on the street.
- ≈ Improve public safety through the creation of public spaces that instil a sense of pride and ownership.
- ≈ Provide natural surveillance and sight lines to ensure unobstructed views in areas where public safety and pedestrian / vehicle conflicts will be a factor.
- ≈ Provide lighting at a sufficient enough level to uniformly light adjacent sidewalks so as to provide a high level of “psychological comfort and safety” for pedestrian use at night.

# OVERALL DEVELOPMENT GUIDELINES

The following guidelines apply to both Area A and Area B. Additionally, at the end of each section, commercial specific guidelines for Area A only have been highlighted.

## 2.1. BUILDING SITING, MASSING AND PROPORTION

- ≈ In general, building massing will respond to adjacent existing land uses by stepping the heights of buildings from the edges of the site (lower building heights) to the core of site (higher building heights).
- ≈ Where residential buildings are situated in close proximity to each other, consideration should be given to stepping back the upper floors of the building to visually reduce the massing by expanding the horizontal relationship between the upper levels when compared to the lower levels.
- ≈ Consideration should be given at the site planning level to provide private open space at grade for each ground unit along with transitional landscaped open space from private to semi-private / semi-public space (see CD24 Comprehensive Zoning Bylaw for minimum private open space requirements).
- ≈ Buildings should be sited with sensitivity to future development on adjacent properties and in a way that promotes the creation of functional and interconnected outdoor spaces for residents within the community.
- ≈ Building siting should consider placement and orientation to maximize use of natural light in building design, and maximize view corridors to Wilson Creek while minimizing views into adjacent developments.



HOTEL CONFERENCE PODIUM



TOWER PODIUM ASSEMBLY



SUSTAINABILITY



- ≈ Buildings should demonstrate a high degree of human scale through emphasis of doors and windows and through appropriate choice of materials and surface detailing to create a rich visual interest at the pedestrian level.
- ≈ Building articulation refers generally to the exterior details and the arrangement of both specific and repetitive features. As it is not intended that the CD24 site be developed under one specific architectural theme, care and attention at the preliminary design stage should be made to ensure that different architectural styles be complementary in detail to each other.
- ≈ Building facades should have a balance of vertical and horizontal proportions.
- ≈ Vertical accents should occur on a regular basis to reinforce a pedestrian-scaled rhythm and are preferred for windows.
- ≈ Horizontally-extended glazed areas should be subdivided into vertically proportioned windows separated by mullions or building structure.
- ≈ Building siting and massing for structures over 2 stories should be comprised of a podium and a tower element.
- ≈ Building tower and podium should be perceived as assemblages of forms through overlapping of building elements to break-up massing. Homogenous building treatments that tend to create monolithic building massing are strongly discouraged.
- ≈ Building towers should be designed to help reduce perceptions of bulk as well as contribute to a distinct identity for the architectural expression of development.
- ≈ Towers should have a minimum 25 metre separation from any other tower, with the distance between buildings measured from the nearest vertical plane, not including balconies or building overhangs.



PEDESTRIAN LEVEL INTEREST



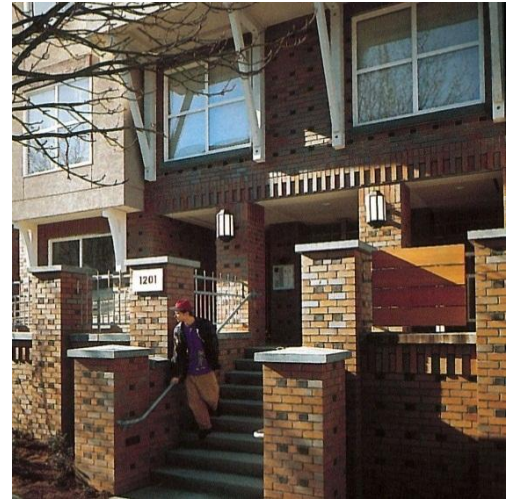
WILSON CREEK GREEN SPACE

## 2.2. BUILDING HEIGHTS AND SETBACKS

- ≈ The CD24 Zone prescribes minimum setbacks to the external property boundaries on the CD24 site.
- ≈ Building heights will step in response to the prescribed setbacks as outlined in the CD24 Zone Site Setbacks.
- ≈ Designated setback areas along the north and eastern property lines which are immediate to existing residential development should be primarily treated as semi-private to private space allowing for maximum landscape planting and screening and minimum pedestrian access.
- ≈ In residential units located at the ground level adjacent to the Wilson Creek Green Space, it is recommended that buildings be sited to maximize the potential for on-grade outdoor private patio spaces.

### 2.2.1 COMMERCIAL BUILDING HEIGHTS AND SETBACKS

- ≈ The podium for each building should be no more than 3 stories above grade.
- ≈ Where residential uses are proposed above retail or commercial uses, the first level of residential should be set back slightly further than the commercial or retail façade.
- ≈ Where buildings face the commercial piazza, floors above the first 2 stories should be slightly set back from the lower façade in order to create an appropriate pedestrian scale of building at the commercial level.
- ≈ The first 2 stories of a building is where design elements can be most effective to provide a human scale to the building, regardless of its overall size and massing. Lower levels should be designed to accentuate the horizontal elements and to provide a separation between the lower retail uses and upper mixed use levels.



INVITING ENTRANCES



COVERED ENTRANCES



UNIVERSALLY ACCESSIBLE MAIN ENTRANCE



2.3. BUILDING ENTRANCES

- ≈ All entrances should be inviting from the street and create a comfortable and welcoming experience through attention to details, proportions, materials, and lighting.
- ≈ Principal entrances should be easy to identify from the street or any adjoining public open space.
- ≈ If the principal building entrance is located within a courtyard/ garden space, there should be adequate address identification in close proximity to street or adjoining open space, and an appropriate walkway through the space to the main entry door.
- ≈ Principal entrances should include a canopy, overhang, portico or other similar structure to provide appropriate weather protection, without sacrificing visibility.
- ≈ Principal entrances should be universally accessible.
- ≈ Principal entrances should be in close proximity to a vehicular lay-by or drop off area, without compromising pedestrian safety.
- ≈ The building address should be clearly visible and located near the principle building entrance.
- ≈ The principal entrance should be designed so that it is secure and that visitors can be identified from within the building without opening the door.
- ≈ Secondary entrances and exits should be designed for safety and visibility.
- ≈ If the route of access to secondary entrances crosses through a courtyard / garden space or landscaped area, there should be a defined path.
- ≈ If a secondary entrance is not frequently used, the pathway does not necessarily have to be a hard surface. Crushed gravel could be an adequate treatment.

2.3.1 COMMERCIAL BUILDING ENTRANCES

- ≈ Retail spaces should be easy to see into from the adjoining commercial plaza and outdoor space(s). A high degree of transparency should not preclude use of mullion patterns to add visual interest and human scale to the building.



BALCONY AND OVERHANG RESPOND TO CLIMATE



LANDSCAPED DECKS AND ROOFTOPS



SOLAR SHADING

2.4. BUILDING ROOFTOPS, BALCONIES, OVERHANGS, AND SOFFITS

- ≈ Buildings should be articulated with the aim of creating shadows through indentations and projections of elements within a façade composition on all sides – not just the front building elevation. (i.e. windows and doors, cornice lines, pilasters, balconies, and/or base-relief detailing).
- ≈ Buildings with flat roof areas, whether actively used or not, should be enhanced by use of texture, colour, and/or landscaping, especially when visible from habitable spaces above.
- ≈ Rooftops designed as active outdoor social spaces are encouraged and should be designed to withstand the weight of mature trees and plantings.
- ≈ All mechanical equipment and elevator penthouses should be integrated with the architectural treatment of the roof, or be screened with materials and finishes compatible with the building’s design.
- ≈ In response to a regional expression, building detailing should emphasize shade from summer sun with overhangs and recesses of sufficient depth that are appropriate responses to solar exposure.
- ≈ Upper levels of buildings should incorporate decks, balconies, or other building features as outdoor amenity space for occupants. Balconies should be designed to maximize outdoor living opportunities.
- ≈ Where appropriate, Green Roofs should be considered as a viable option to tar and gravel ballast roofs in response to sustainable building practices and the reduction of heat island effect on roofs.
- ≈ Any soffits or the underside of any portion of a building, including the undersides of balconies, within the first 2 stories and exposed to public view should be treated in a manner as to provide visual interest and show attention to detail.



REGIONAL EXPRESSION – TRANSITION TO OUTSIDE



SOFFIT TREATMENT



BALCONY AND OVERHANGS RESPOND TO CLIMATE



LANDSCAPED DECKS AND ROOFTOPS



2.4.1 COMMERCIAL BUILDING ROOFTOPS,  
BALCONIES, OVERHANGS AND SOFFITS

- ≈ Where at-grade patios are to be provided in support of commercial uses, consideration should be given to provide a landscape buffer between the public realm and outdoor patio.
- ≈ Outdoor patios should be delineated with decorative fencing of a high quality and durable material (i.e. metal) and should not exceed 1.2 metres in height unless considered as part of a gateway treatment.



OUTDOOR PATIO DECORATIVE FENCING

2.5. EXTERIOR MATERIALS, TREATMENT  
AND WINDOWS

- ≈ In response to a regional expression, the character of building, detailing and selection of materials should celebrate the unique and distinctive qualities of the Okanagan Valley and draw inspiration from the region’s natural and cultural landscapes.
- ≈ In response to a regional expression, consider techniques and treatments that emphasize the transition between inside and outside through the differing seasons such as; retractable windows, overhead rolling doors, canopies, trellises, and extended building planes.
- ≈ Window and balcony sizes and spacing should create a comfortable rhythm that is consistent through the majority of the floors above the lowest level.
- ≈ Windows should be maximized to create natural light penetration into the buildings. Positioning of windows will consider solar effects during both the hottest summer months and the cooler and greyer winter months.
- ≈ Windows that open for natural ventilation should be encouraged, but the windows must also have a means to be secured at lower levels on the buildings.
- ≈ Windows should incorporate an appropriate trim detail that will be suited to the exterior materials and colours of the building.



COMPLEMENTARY MATERIAL CHANGE



WINDOW BALCONY RHYTHM

- ≈ All roof flashings and vents exposed to public view should be painted to match adjacent surfaces or disguised in a manner consistent with the visual characteristics of the building.
- ≈ Materials should be durable and appropriate to the character of community development. No vinyl siding or non-vision (mirrored) window glass is to be used as part of building fenestration.

2.6. **PARKING, LOADING, FIRE AND EMERGENCY ACCESS**

- ≈ Vehicle drop off and temporary lay-by parking should be provided in close proximity to residential buildings, or by having a single drop off serving a grouping of buildings.
- ≈ Vehicle drop off and temporary lay-by parking should be located in a manner as to ensure adequate access by the appropriate sized vehicles, while minimizing pedestrian conflicts and visual impacts from principle building entries and outdoor patios.
- ≈ Vehicle drop off and temporary lay-by parking should be treated so that pedestrians and vehicles have equal status.
- ≈ Vehicle drop off and temporary lay-by parking should offer visual interest (i.e. stamped concrete, concrete pavers, etc.) such that the space takes on a higher quality and distinction from the asphalt roadway surface.
- ≈ The majority of the required parking will be located in parking structures. Due to the high water table, it is not practical to construct the parking structures completely underground.
- ≈ Under-building parking structures should be built to internal property lines to ensure a contiguous public open space can be created on top of the structure.
- ≈ Parking garage interconnectivity should be encouraged between adjacent building sites.



REGIONAL EXPRESSION – TRANSITION TO OUTSIDE



VEHICLE DROP OFF PAVING



ARCHITECTURAL INTEGRATED PARKADE ENTRY



- ≈ The lowest level parkade can have approximately ½ storey of the parking structure wall height exposed, provide that it is treated in a manner as outlined in these guidelines.
- ≈ The second level parkade should be integrated into buildings and may include portions of the parkade structure that will have a full one-storey potentially exposed, provide that it is treated in a manner as outlined in these guidelines.
- ≈ Exposed parkade walls in areas with no pedestrian access have the potential to be naturally ventilated using screened openings. The design of screens should be decorative with be a powder-coated finished metal material.
- ≈ Exposed parkade walls in areas with pedestrian access will, at minimum, include; colour parging or cast-in-place concrete reveals, and if possible, sloped landscape with plant screening to minimize visual impact of walls. Any landscaping associated with parkade structures will consider CPTED guidelines.
- ≈ Exposed parkade walls in areas with pedestrian access and associated with second level parking should also function as pedestrian access points to the network of open spaces by incorporated into their design stairs and/or ramps for pedestrian access.
- ≈ Terraced landscaping should be used to complement pedestrian access points and be integrated into the overall landscape open space design.
- ≈ Exposed parkade walls in highly visible areas should have equal treatment as building exteriors in terms of articulated surface, reveals and applied detailing to visually break-up wall surfaces.
- ≈ Garage doors and vehicle access points into building should not terminate on axial views (i.e. views down streets within the vicinity of the site).
- ≈ Where axial views are terminated, design consideration should be given to mitigating the visual impact of such views and to otherwise provide a high degree of human scale and visual interest at visual termination points.



CONSOLIDATED LOADING AND PARKING



EXTERNAL TREATMENT OF PARKADE WALLS



UNOBTRUSIVE PARKADE ENTRY

- ≈ Doors and entrances into parking garages should not be visually obtrusive and should not be more visually prominent than any principal entrance to the building.
- ≈ Garage entrances should be architecturally integrated into the overall building design with street-level exterior building finishes wrapping into the garage opening for a minimum of 2 metres in depth.
- ≈ Doors to parking garages should have an architectural treatment that is primarily expressed as an opaque or semi-opaque door rather than an open screen. Open screens are acceptable if highly detailed and rich in visual interest.
- ≈ Garbage and recycling facilities should be located away from public sidewalks and screened from view. The materials used for such purposes should be common to the building's exterior finishes.
- ≈ Surface parking should consider the use of permeable pavers as a means for passive storm water management to control surface water run-off.

2.6.1 COMMERCIAL PARKING, LOADING, FIRE AND EMERGENCY ACCESS

- ≈ There is to be one access off of Lakeshore Road that will serve as the main entrance for the commercial and hotel uses.
- ≈ Surface parking lots should be exclusively for commercial and retail uses and temporary drop off areas; structured parking (except for drop-off zones) will be created for residential uses.
- ≈ Loading areas for commercial and hotel uses should be consolidated into one area that provides safe and efficient access and minimizes exposure to adjacent commercial uses.



LAY-BY PARKING



PARKING PLAZA

## 2.7. SIGNAGE

- ≈ Building signage should be made of durable, weather-resistant materials, and be professionally fabricated and installed. No box signs are permitted.
- ≈ The size of any individual sign should follow a common theme of building signage as well as the appearance on an individual building's facade.
- ≈ The scale and visual qualities of a building should not be compromised by the size and/or number of building and address signs.
- ≈ Address signage should be of a pedestrian scale that is proportionate to the residential building frontage that it promotes.
- ≈ Free standing entry features that include building / address signage, and that are integrated with a site's landscape design, should be encouraged.
- ≈ Any free standing entry feature should be built to internal property lines to ensure a contiguous public open space.
- ≈ Any free standing entry feature, as part of the building design, should be included in the Development Permit package and include detail elevations and material selection.

### 2.7.1 COMMERCIAL SIGNAGE

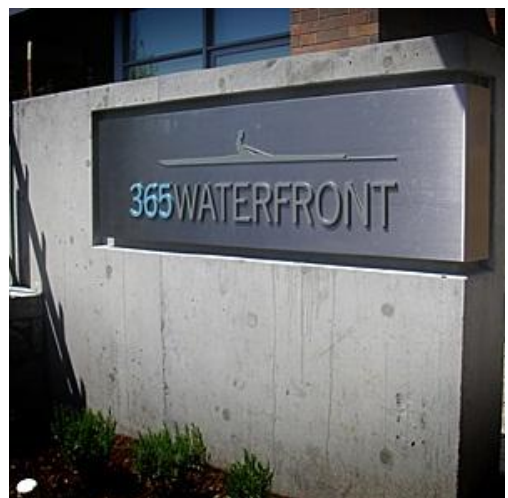
- ≈ Signage should create a rich visual character to enhance an overall festive character of the commercial area. Signage should be made of durable, weather-resistant materials, and be professionally fabricated and installed. No box signs or back-lit signs are permitted.
- ≈ Signage should consist of fascia signage, projecting signage and a free standing main project sign located along Lakeshore Road frontage.
- ≈ The main project sign should include the name of the project (yet to be determined) and identification for the commercial hotel. Individual retailers and commercial businesses should have an opportunity for secondary placement on this sign.



DURABLE BUILDING SIGNAGE



FREE STANDING BUILDING SIGNAGE



FREE STANDING BUILDING SIGNAGE



- ≈ Fascia signage should be of a pedestrian scale that is proportionate to the retail frontage that it promotes.
- ≈ Projecting signage should not extend over large areas unless incorporated as part of an awning, with text located within the awning valance. Letters should be of appropriate scale and size to complement the character of the awning design.
- ≈ The size of any individual sign should follow a common theme of building signage as well as the appearance on an individual building’s facade.



PROJECT SIGNAGE

### 2.8. LIGHTING

- ≈ Illumination should be planned as a key element in a façade’s design with consideration for the effect on the façade and on adjoining buildings and open spaces.
- ≈ All exterior lighting should follow best practice methods to preserve the Dark Sky by limiting light pollution and to include selection of high performance fixtures that conserve energy.
- ≈ Lighting should not contribute to glare through use of full cut-off or low-wattage luminaries.
- ≈ Designs should also incorporate shielded fixtures and/or appropriate mounting heights, as well as be aimed appropriately.
- ≈ Building and wall sconce lighting should be in response to the individual building’s architectural character, while complementary to the overall character of the residential area.
- ≈ Building and parkade entry lighting should be of sufficient illumination levels as to clearly indicate principle entries from secondary, and to provide a high level of “psychological comfort” for persons using each entrance.
- ≈ Directional or accent lighting should be limited to specific exterior feature elements of notable distinction.



DARK SKY EXTERIOR LIGHTING



FAÇADE LIGHTING EFFECTS

- ≈ Street and pedestrian light fixtures should add daytime visual interest and human scale to the exterior environment and be complimentary to the building design, as well as help accentuate the rhythm of the building façade.
- ≈ Lighting should be designed for high-quality environmental performance. Only one style of street and pedestrian fixture should be used within the residential areas.
- ≈ Lighting of sidewalks and bike paths adjacent to roadways should provide for continuous and uniform lighting of ground level.

2.8.1 COMMERCIAL LIGHTING

- ≈ Window displays should be lit from the inside of the tenant space with directional lighting such that there is minimum light spillage outside of the tenant space.

2.9. SCREENING AND FENCING

- ≈ Areas for consideration for buffering and fencing will be along the property boundary between the CD24 site and the adjacent residential properties and should respond to privacy issues.
- ≈ All buffering and fencing should be an appropriate response to adjacent social interaction, security and safety.
- ≈ A solid privacy fence, along with supplemental planting, should be provided in response to landscape aesthetics and to assist with sound attenuation.
- ≈ Fence height and landscape buffer screening should be maximized in these areas and meet, as a minimum the City of Kelowna’s Section 7 Landscaping and Screening Level 3 Landscape Buffer Requirements.
- ≈ Level 3 Landscape Buffer Requirements: a minimum 3 metre landscape buffer is required to separate uses from adjacent existing properties and will consist of a vegetative buffer or a continuous opaque barrier.



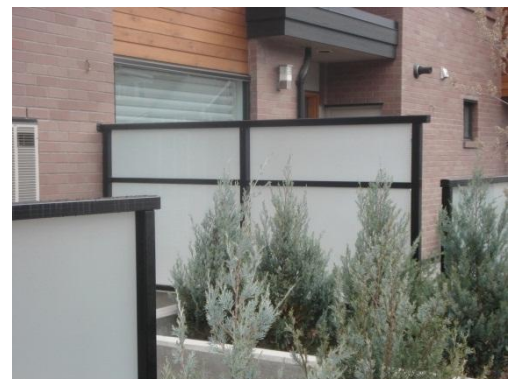
PATHWAY LIGHTING



SHIELDED AIMED LIGHTING



PRINCIPLE ENTRY LIGHTING



INDIVIDUAL UNIT FENCING



- ≈ Fencing should be treated simply and in a similar manner between individual parcels and buildings to create a sense of harmony and unification with the residential area.
- ≈ Ground level private patios should be delineated with fencing of a high quality and durable material (i.e. wood or metal) and should not exceed 1.5 metres in height unless considered as part of a gateway treatment.
- ≈ In all public to semi-private open areas, fencing should be visually permeable and its height should be such that it is not imposing to the pedestrian realm and maintain CPTED sightlines.
- ≈ The use of chain link as a fencing should be discouraged in public open space and private landscaped areas, with the exception of the delineation of the Wilson Creek wetland and riparian corridor.
- ≈ Variations in fence treatment can be presented at the Development Permit stage, and should only be considered when the fence design is in response to a specific microclimate to increase pedestrian comfort or to increase usability of an outdoor space (i.e. patio).

2.9.1 COMMERCIAL SCREENING AND FENCING

- ≈ The commercial area and associated parking plaza should be considered as an urban plaza. As such, the City of Kelowna’s Section 7.0 Landscaping and Screening requirements of surface parking lots should be relaxed in consideration of this higher urban treatment.
- ≈ No major conflicting land uses are proposed with the commercial area that will require significant screening. Any requirements to separate adjacent building uses or create exterior territorial definition should be accomplished through planting.
- ≈ Landscape screening and buffer should be considered along the Lakeshore Road corridor in response to any outdoor activities related to commercial uses. Any planting in close proximity to intersections and pedestrian and vehicle conflict points will respond to visual sight lines and CPTED safety requirements.



INDIVIDUAL UNIT FENCING



VARIATION ON FENCE



PRIVACY FENCING



- ≈ Outdoor patios should be delineated with decorative fencing of a high quality and durable material (i.e. metal) and should not exceed 1.2 metres in height unless considered as part of a gateway treatment.

2.10. SITE ACCESS AND CONNECTIONS

- ≈ Primary access into the CD24 site is provided off of Lakeshore Road along with a secondary access off of Bird Place (via a new bridge over Wilson Creek).
- ≈ A secondary vehicular and pedestrian access into the CD24 site will be provided from Springrose Way.
- ≈ Emergency vehicle access into the CD24 site is provided off of Springbrook Road. This access will provide important emergency access into the CD24 site and improved pedestrian connectivity to the larger community.
- ≈ Circulation and connectivity between the four vehicle access points will consist of an interior road network as part of a bare-land strata development and should be designed in a manner that will reduce the potential for short cutting.
- ≈ All internal roads and access points into / out of the CD24 site should be designed in a manner that promotes pedestrian and cycling in a safe and comfortable public realm environment.
- ≈ Bridge access off Bird Place will include appropriate Wilson Creek environmental approvals in conjunction with the bridge design and construction.
- ≈ Bridge access off Bird Place will be constructed over Wilson Creek and designed as a gateway entrance to the site and the bridge design should be included as part of the form and character Development Permit application.
- ≈ Bridge access off Bird Place will accommodate pedestrian and cyclists, and the north side approach will also be designed to accommodate a pedestrian crossing of the secondary entry road for the Wilson Creek trail.



SITE ACCESS AND CONNECTIONS



PERSPECTIVE – LOOKING SOUTH

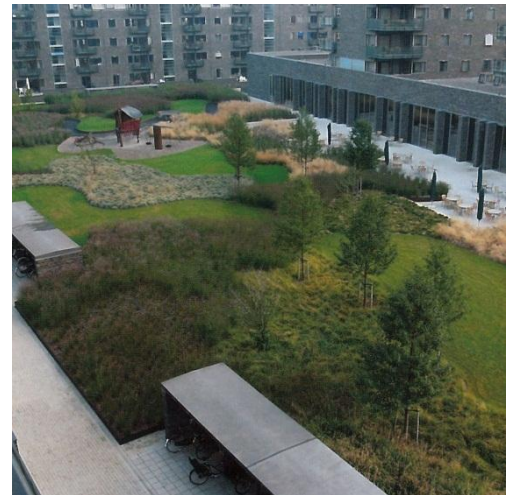
- ≈ For any pedestrian underpass associated with the Bird Place bridge access, consideration should be given to increasing the amounts of pedestrian level lighting under bridge structure and additional considerations for CPTED principles at bridge abutments to minimize potential hiding places.
- ≈ It is anticipated that vehicle access off of Lakeshore Road will be associated with a new controlled intersection which will serve as the main entrance for the commercial and hotel uses.
- ≈ The Lakeshore Road entry is considered a major pedestrian and commuter cycle connection with safe and convenient access to the adjacent Multi-Use Corridor (MUC) that connects Upper Mission to Downtown. As such, consideration should be given to the commercial plaza and adjacent ground floor retail design for the accommodation of multi-modal movement.

2.10.1 COMMERCIAL SITE ACCESS AND CONNECTIONS

- ≈ Pedestrian walkways adjacent to ground floor retail should be wide enough to accommodate retail overflow into the public realm frontage zone without restricting pedestrian circulation.
- ≈ The commercial area will be an area where the public is invited to be, and security within public areas should be considered in conjunction with building development.
- ≈ All security devices such as gates or screens should be located on the inside of the retail frontages. Corridors or entry ways that need to be secured should be either doors or gates in keeping with the architectural style of the exterior of the building. Roller gates and shutters are not permitted.



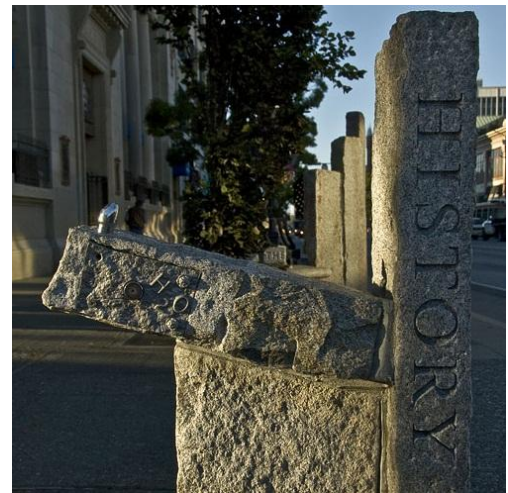
COMMERCIAL AREA SITE ACCESS



PROVIDE LARGE PUBLIC OPEN SPACES

2.11. PUBLIC AND PRIVATE OPEN SPACE

- ≈ The provision of large usable areas designated for use by CD24 residents should be promoted in the building siting and design of exterior spaces.
- ≈ Private open space should be limited to exterior spaces immediately adjacent to residential units (private patios and balconies) and to principle/ secondary building entrances - to promote a continuous and integrated series of open spaces.
- ≈ In situations where private areas will not be secured, landscape design and planting should create a territorial separation between semi-public and private spaces, without necessitating the use of fencing that will disrupt the visual continuity of the landscaped open spaces; fencing should be provided only when security is an issue.
- ≈ Spatial separation, combined with landscape planting, should be considered in all locations where there is an interface between a road and a building, or a major pedestrian access route and a building.
- ≈ Open spaces should be highly accessible and primarily promote passive recreational uses such as walking, jogging, cycling, and informal play opportunities.
- ≈ Open spaces should provide for some level of pedestrian scale lighting to promote safety and encourage limited night-time use.
- ≈ The provision of landscape feature elements such as gazebos, trellises, and pergolas should be encouraged as a way to enhance the visual interest and use of open spaces and should be attractive when viewed from above.
- ≈ A continuous pedestrian connection should be provided to link all major open spaces, including the Wilson Creek wetland and riparian corridor, which limits any potential for pedestrian and vehicle conflicts.



URBAN DESIGN



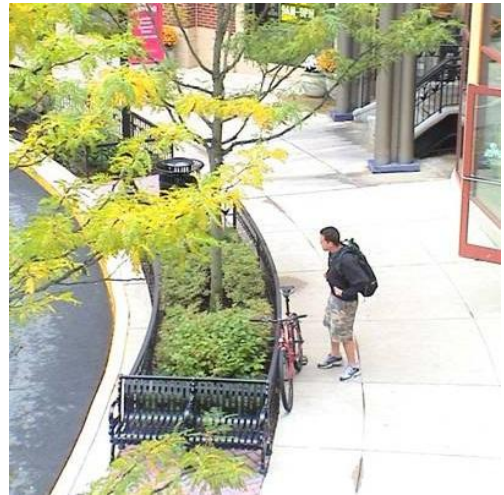
ENHANCED PUBLIC REALM



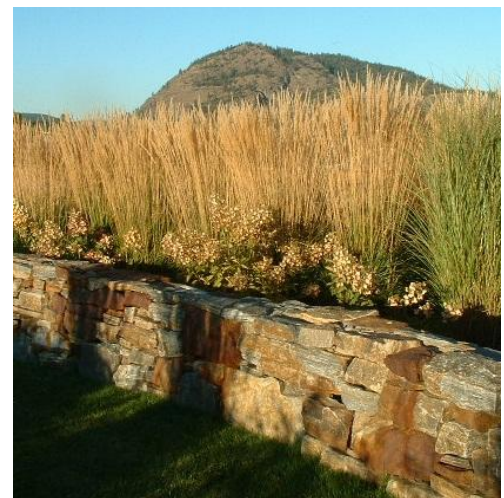
HIGH QUALITY PLAY EQUIPMENT



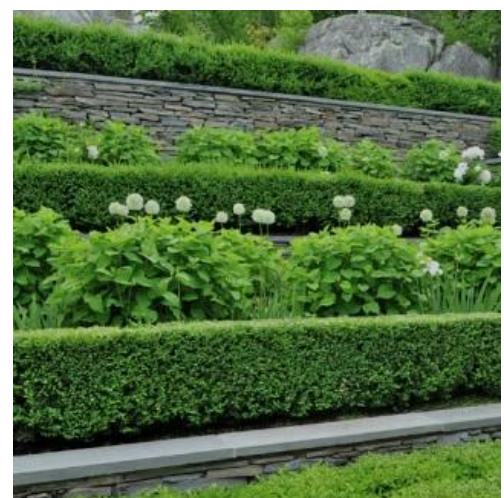
- ≈ Portions of the Wilson Creek’s northern boundary will be reserved as public open space, and will be protected by covenant against development in order to preserve and enhance the creek’s wetland and riparian habitat.
- ≈ Any new work associated with Wilson Creek’s northern boundary will be designed in a manner to meet City of Kelowna design and construction standards and any environmental mitigation recommendations.
- ≈ Provision of community gardens should be considered either as part of the overall development’s common open space, or as part of an individual building’s garden space. Community gardens provide a direct sustainability feature and also create more of a community presence in the development.
- ≈ Community gardens should be considered as part of a private or semi-private open space development and be designed in a manner that provides some level of security and controlled access for users.
- ≈ Provision of structured play areas should be considered either as part of the overall development’s common open space, or as part of an individual building’s garden space.
- ≈ Structured play should consist of play equipment that promoted physical play and social interaction among its users.
- ≈ Any play equipment should conform to current CSA playground standards and be of high quality design and durable materials and include appropriate safety surfacing.
- ≈ No black colour rubber tile safety surfacing should be used due to potential heat absorption.
- ≈ Non-structural retaining walls used in open spaces should not be greater than 1.2 metres in height and made from local stone or of modular/ segmental block construction.



PEDESTRIAN AMENITIES



LOW NATURAL STONE WALLS



TERRACED LANDSCAPE TREATMENT

- ≈ Where structural retaining walls are required, exposed faces should be treated in a manner that is complementary with adjacent landscaping and/or architectural details - so as to limit their overall mass, height and visual impact.
- ≈ Where structural retaining walls are required, exposed faces should be treated in a manner that will discourage graffiti (i.e. treated with anti-graffiti coating). Photo image vinyl wraps should be provided on all utility boxes that are susceptible to graffiti (i.e. tagging).



PEDESTRIAN ZONES

2.11.1 COMMERCIAL PUBLIC AND PRIVATE OPEN SPACE

- ≈ The Commercial plaza should be fully accessible to the public as it depends on pedestrian and vehicular traffic. Open spaces within this area should serve either as aesthetic landscaped areas relating to retail activity or routes of access.
- ≈ The character of the commercial open space should have an “urban plaza character” in support of retail activities and promote a pedestrian friendly environment through spatial continuity between the public and private realms.
- ≈ The design of open spaces within the commercial plaza should promote social interaction throughout the following site planning considerations: orient the spaces to take advantage of natural sunlight and key views; provide shade and protection from wind and other climatic elements.
- ≈ Encourage the provision of streetscape elements of greater distinction within the public realm that should incorporate a high level of urban and functional design. The intent is to create a unique and memorable experience through innovative and creative design.
- ≈ Consideration should be given to placement of streetscape elements within the commercial area’s public realm so as not to create clutter or restrict

PUBLIC REALM ZONE LEGEND:

- FRONTAGE ZONE
- SIDEWALK (PEDESTRIAN CLEARANCE ZONE)
- FURNITURE / PLANTING ZONE
- EDGE ZONE
- ENHANCED PUBLIC REALM ZONE (FLEX PARKING/PATIO SPACE)

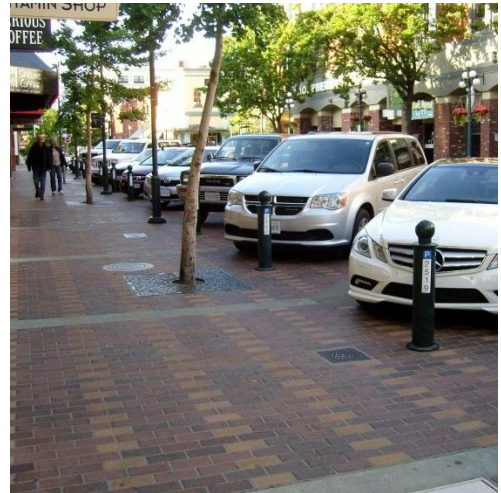
PEDESTRIAN ZONE LEGEND



PEDESTRIAN SIDEWALK

pedestrian movement.

- ≈ The public realm for Area “A” should be considered as a series of pedestrian zones in which specific site furnishing, planting and streetscape elements will be located. Zones may include any of the following:
- ≈ Edge Zone: immediately adjacent to parking and provides a safety buffer for pedestrian against vehicle encroachment;
- ≈ Furniture and Planting Zone: accommodates street tree planting, lighting, site furniture and other fixed objects;
- ≈ Pedestrian Clearance Zone: must be kept free of obstructions and provide a continuous linear pathway of an appropriate width to serve anticipated pedestrian flow;
- ≈ Frontage and Marketing Zone: is the area directly in front of the building and/or property line. It can be used as flow-out space, patios and outdoor display areas for merchants.
- ≈ Enhanced Public Realm Zone: is the flexible parking space that can be utilized for seating areas.
- ≈ Consideration should be given to the use of brick pavers as the primary surface treatment to promote a sense of ‘high quality urban design’ and promote passive stormwater management through porous pavement.
- ≈ Consideration should be given to the use of rolled curbing in association with decorative metal bollards in high pedestrian and vehicle circulation areas to define and separate movement while maintaining continuity of paving treatment.
- ≈ Open space areas closer to Lakeshore Road should be used to complement the main signage opportunities and create an aesthetic buffer between the site and the boulevard.



URBAN PLAZA CHARACTER



SOCIAL INTERACTION



# LANDSCAPE DESIGN GUIDELINES

## 3.1. PEDESTRIANS

- ≈ All major pedestrian walkways within the semi-private and public open spaces should be accessible at all hours and to all users, and conform to best practices for barrier-free design.
- ≈ All internal roads should include sidewalks of a minimum 1.8 metre width.
- ≈ Wherever possible, sidewalks should be separated by a planted boulevard of minimum 2.0 metre width.
- ≈ All major pedestrian walkways should provide for some level of pedestrian scale lighting to promote safety and encourage limited night-time use.
- ≈ Pedestrian network should be considered in conjunction with overall roadway network and building siting, so as to maximize interconnectivity between roads private and public open spaces and minimize pedestrian and vehicle conflicts.
- ≈ A hierarchy of pedestrian pathways should be developed in conjunction with overall pedestrian network system. Paving surface treatment and pathway widths should be used as part of the pedestrian hierarchy.
- ≈ Consideration should be given for the following pathway hierarchy system;
  - brick pavers in urban areas where pedestrian and vehicles have equal importance;
  - concrete paving for major pathways and sidewalks within public realm;
  - combination concrete and brick paving for pathways within the private realm;
  - asphalt paving for multi-modal and high traffic pathways in natural areas;
  - compacted crushed granular in low traffic natural areas.



SEPARATED WALKWAY



HIERARCHY PATHS

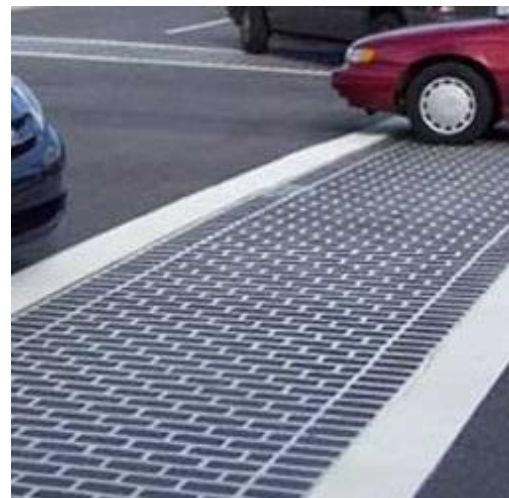


BRICK PAVERS IN URBAN PLAZA AREA



ROLLED CURB WITH BRICK PAVERS

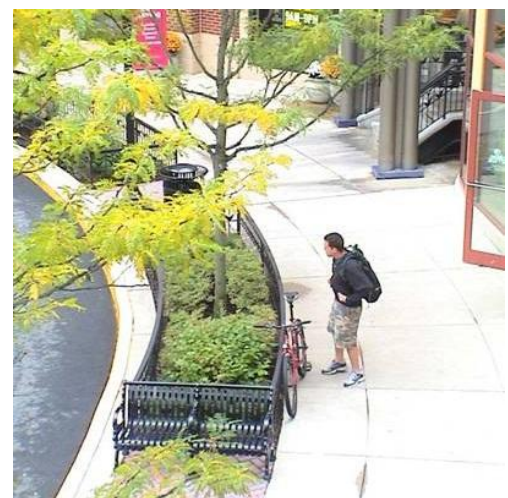
- ≈ Public realm should provide site furnishing, comfort amenities, shade trees, low level planting, and landscape / urban design elements that will create a pedestrian friendly streetscape environment and promote pedestrian use.
- ≈ Pedestrian crosswalks should be treated in a manner that provides paving contrast, in an aesthetically pleasing manner, between pedestrian zones within roadway.
- ≈ Pedestrian crosswalks paving treatment should be limited to:
  - stamped and tinted concrete,
  - wear-resistant thermal plastic traffic patterns (i.e. SquareOne Paving),
  - or at minimum, painted zebra lines.



PEDESTRIAN SIDEWALK

### 3.2. CYCLING

- ≈ Bike paths for recreation, commuter bike lanes and multi-use shared bike and pedestrian corridors shall promote alternative modes of transportation and increased physical activity that provides a direct sustainability feature to the CD24 site, and also creates more of a community presence in the development.
- ≈ Pathway connections into the CD24 site should take full advantage of the adjacent Lakeshore Multi-Use Corridor (MUC) that connects Upper Mission to Downtown. As such, consideration should be given to the Commercial Plaza and adjacent ground floor retail design for the accommodation of multi-modal movement.
- ≈ Given the residential nature of the development, with lower traffic volumes when compared to city collector and arterial roads, no painting should be required to delineate commuter bike lanes on internal roads.
- ≈ Bollards are recommended in areas where separated bike paths join-up with vehicle intersections as a way to encourage the slowing down and dismounting of cyclists before crossing roadway.



PEDESTRIAN AMENITIES



PROMOTE CYCLING



- ≈ Provisions should be made for safe and reliable bicycle storage in key public open space areas and within every private building site in the development.

### 3.3. WAYFINDING AND SIGNAGE

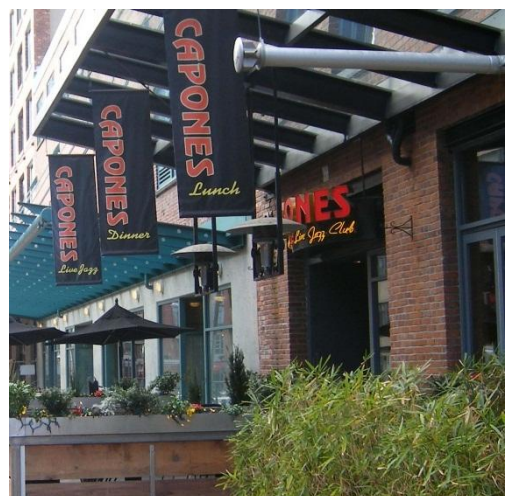
- ≈ Buildings in the residential area should have adequate directional signage at the main entries to the CD24 site.
- ≈ All of the internal roads will be private roads and should be properly named and addressed to orient and direct local residents and visitors within the development.
- ≈ A logical addressing system should be developed in conjunction with the City of Kelowna and the emergency response providers, to ensure that each building or cluster of town houses is easily identifiable.
- ≈ Any wayfinding and directional signage associated with the Wilson Creek wetland and riparian corridor should be coordinated with the City of Kelowna’s wayfinding and park signage requirements.

### 3.4. WILSON CREEK GREEN SPACE LANDSCAPING

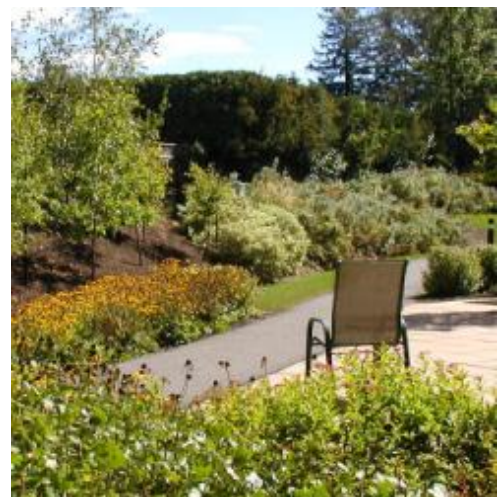
- ≈ Portions of the Wilson Creek’s northern boundary will be reserved as public open space, and will be protected by covenant against development in order to preserve and enhance the creek’s wetland and riparian habitat.
- ≈ Private open space landscaping adjacent to the Wilson Creek Green Space should consist primarily of native and indigenous plant species in natural plant groupings that is complementary of the public open space treatment for the adjacent Wilson Creek wetland and riparian corridor.
- ≈ Private patios adjacent to the Wilson Creek Green Space should provide some fencing in response to security and delineation of private and public spaces.



PROJECT SIGNAGE



AWNING SIGNAGE



WILSON CREEK SPACE SETBACK

- ≈ Private patio spaces should be delineated with decorative fencing of a high quality and durable material (i.e. metal, glass) and should not exceed 1.2 metres in height unless considered as part of a gateway treatment.
- ≈ Private patio fencing should encourage views to the adjacent naturalized landscape and be constructed in a manner that minimizes its opacity.
- ≈ Non-structural retaining walls used in open spaces should not be greater than 1.2 metres in height and made from local stone or of modular/ segmental block construction.



PUBLIC SPACE COMMUNITY GARDENS

### 3.5. COMMUNITY GARDENS

- ≈ Provision of community gardens should be considered either as part of the overall development’s common open space, or as part of an individual building’s garden space. Community gardens provide a direct sustainability feature and also create more of a community presence in the development.
- ≈ Maintenance agreements between developers and users should be developed in coordination with the establishment of any community garden, to ensure proper stewardship, access control and visual tidiness of these unique garden spaces.
- ≈ The provision of landscape feature elements such as gazebos, trellises, and a storage shed should be encouraged to enhance the visual interest and functionality of the community gardens, and should be attractive when viewed from above.



STREET TREES ADAPTED TO REGION

### 3.6. STREET TREE PLANTING

- ≈ Street trees can significantly contribute to the overall beauty and increased property values of the CD24 site and therefore should be provide wherever possible.



STREET TREES TO CELEBRATE SEASONS



- ≈ Street trees should be of a deciduous species that has a non-aggressive root habit and tolerant of urban conditions (i.e. road salt) with a minimum 7.5 cm (3”) calliper size measured at Circumference at Breast Height (CBH).
- ≈ At minimum, street tree selection should be cross-referenced to the City of Kelowna’s Tree Selection Guidelines for appropriateness of tree species: <http://www.kelowna.ca/CM/Page292.aspx>
- ≈ Street tree species selection should be suitable for the Okanagan climate and growing conditions and have been grown locally.
- ≈ Street tree species selection should celebrate seasonal variations through changing colour of leaves, winter and summer bark and branching interest, etc.
- ≈ Street tree species selection should provide enough diversity of species as to protect against the spread of disease and pests that can devastate monoculture plantings (i.e. Dutch Elm disease).
- ≈ Street tree planting (i.e species and spacing) should be treated in a similar manner on both sides of the internal road ROW to create a unified appearance.
- ≈ Changes in street tree species should be in logical locations such as roadway intersections, changes in road directions, and termination of key roadway vistas. Avoid random or multiple specie changes along a single stretch of roadway.
- ≈ Soil volumes for street tree planting should be maximized to increase the area available for root growth.
- ≈ Consideration should be given to providing continuous soil trenches, root zone break-out areas to adjacent green spaces, structural soil, and use of suspended pavement systems such as SilvaCell® as possible strategies of increasing soil volumes.
- ≈ Wherever possible, all trees should be offset back from sidewalk and major utility services by a minimum of 2.0 metres measured from edge of conflict to edge of tree rootball. If not possible root barriers should be used.



MAXIMIZE SOIL AREA FOR TREES



ROOT BARRIERS ADJACENT TO UTILITIES



STREET TREE DRIP IRRIGATION

- ≈ Root barriers should be provided at critical root zones areas adjacent to sidewalks, utilities and other vulnerable infrastructure, to direct surface roots downward and away from potential conflicts.
- ≈ All street trees should be irrigated with an automatic underground irrigation system. System controls and zoning should be such as to allow trees to be irrigated independently of other planting.
- ≈ All irrigation should conform to the highest standards and irrigation best practices for reduced water consumption and usage.
- ≈ Drip and Drip manifold should be the preferred method of irrigation, to eliminate water loss due to over-spraying and evaporation and provide equal distribution of water directly to the root zone area.

### 3.7. LANDSCAPE PLANTING

- ≈ Landscape planting (including trees) should include species adapted and suitable for the Okanagan’s hot-dry climate and growing conditions and have been grown locally.
- ≈ Plant material should be of various species and genus as to provide a high level of visual and seasonal interest in form, colour and texture.
- ≈ Landscape trees should be large enough at maturity to create a park-like setting, especially along roadside boulevards.
- ≈ Plant material should be specified at a sufficient installation sizes as to provide an immediate landscape impact.
- ≈ Planting areas should include a mixture of deciduous and evergreen plants in combinations of perennials, ornamental grasses, shrubs, and trees in response a building’s specific exterior space programming and buffering requirements.
- ≈ All planting should conform to the BC Landscape Standards, current edition, for minimum plant and installation specifications.



MAXIMIZE LANDSCAPE BUFFERING AT EDGES



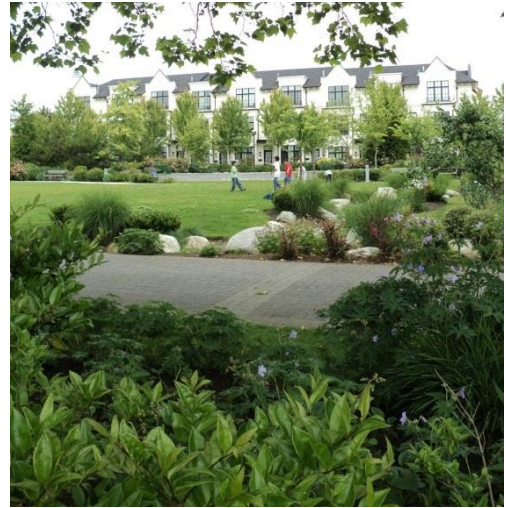
SCREEN PRIVATE FROM PUBLIC SPACES



GREEN STREETS



- ≈ All planting should be irrigated with an automatic underground irrigation system. System controls and zoning should be such as to allow planting to be irrigated independently of landscape trees and street tree planting.
- ≈ All irrigation should conform to the highest standards and irrigation best practices for reduced water consumption and usage.
- ≈ Drip and Drip manifold should be the preferred method of irrigation, to eliminate water loss due to over-spraying and evaporation and provide equal distribution of water directly to the root zone area.



VARIETY OF PLANT SPECIES



PLANTING ENTRY



NATURALIZED PLANTING

**CITY OF KELOWNA**  
**BYLAW NO. 10818**  
**Z12-0039 - Westcorp On The Lake Inc.**  
**3787, 3791 and 3795 Lakeshore Road**

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a portion of Lot 2, District Lot 134, ODYD, Plan 3420, Except Parcel A (Plan B6180) and Plan H9673; Lot 3, District Lot 134, ODYD, Plan 3420, Except Plan H9673; and Lot B, District Lot 134, ODYD, Plan 12063 located on Lakeshore Road, Kelowna, B.C., from the C1 - Local Commercial zone, the C9 - Tourist Commercial zone, the RM7 - Mobile Home Park zone and the RR3 - Rural Residential 3 zone to the CD24 - Comprehensive Development 24 zone and the P3 - Parks & Open Space zone as per Map "B" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

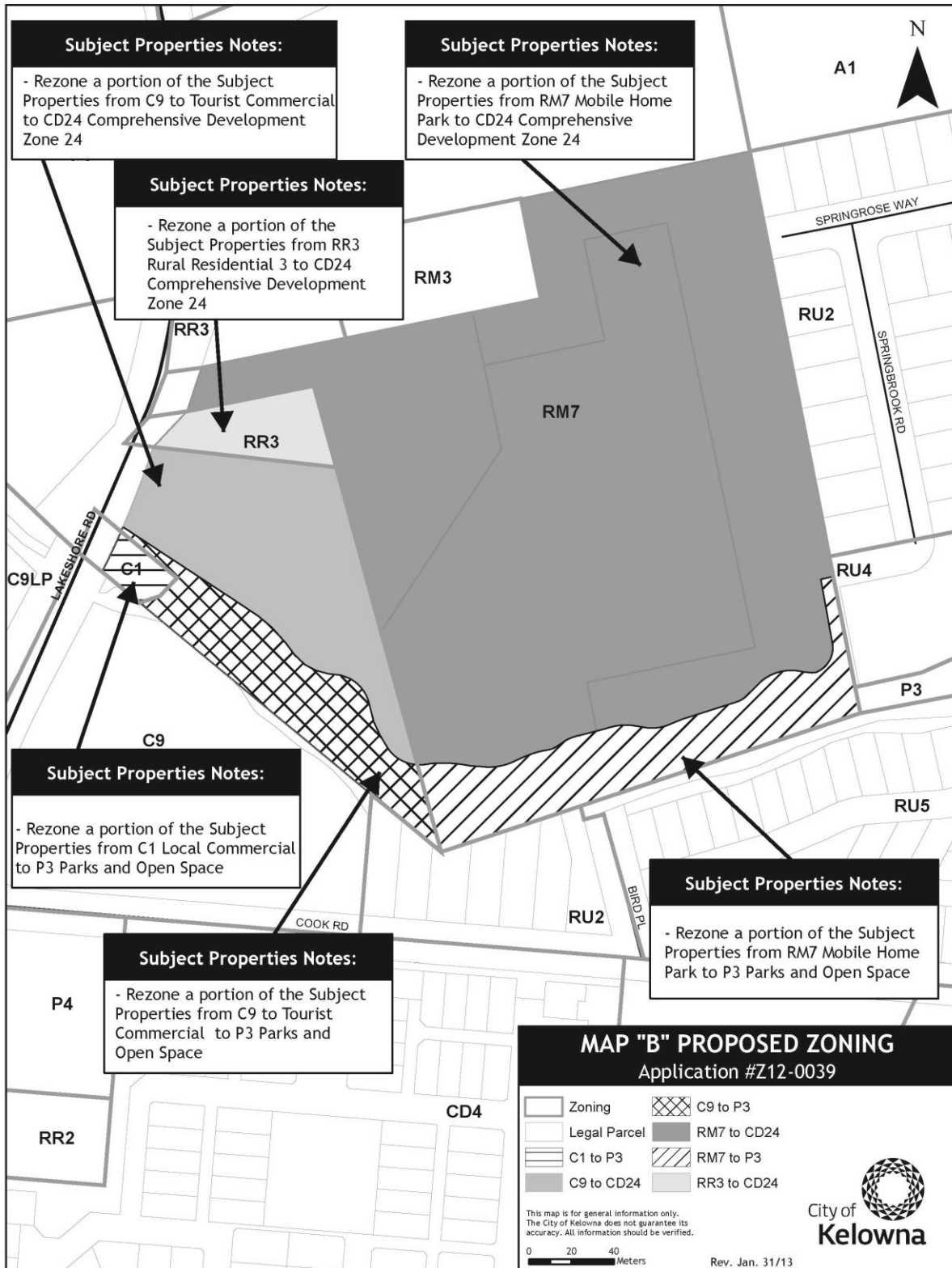
Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



# CITY OF KELOWNA

## BYLAW NO. 10816

### Text Amendment No. TA13-0003 -Amendment to the City of Kelowna Zoning Bylaw No. 8000 - Miscellaneous Amendments

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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, 2.3.3** be amended by adding the following in the appropriate location:

**“PERMEABLE DRIVE SURFACES AND PARKING** means pavement with a base and sub-base that allows the movement of storm water through the surface (includes: pervious concrete, porous asphalt, paving stones or concrete or plastic-based pavers). The use of this drive-surface treatment may be restricted from use on primary fire truck access routes.”

2. AND THAT **Section 6 - General Development Regulations, 6.5 Accessory Development, 6.5.8** be amended by deleting sub-paragraph (c) that reads:

“mechanical equipment shall be located to comply with the **side yard setback for an accessory building or structure.**”

and replacing it with the following:

“(c) Mechanical equipment shall be located to comply with the **side yard setback for an accessory building or structure** in all residential zones with the exception of the RU3 and RU3h zones. The minimum side yard setback for mechanical equipment (air conditioning units and heat pumps) in the RU2, RU3 zones is 0.2m.”

3. AND THAT **Section 6 - General Development Regulations, 6.10 Setback from Provincial Highways**, be amended by deleting sub-paragraph 6.10.1 that reads:

“All **buildings and structures on lots abutting** Highway 97 or Highway 33, shall not be closer than 15.0 m to the Highway, except where located in an urban centre, it may be no closer than 4.5 m.”

and replacing it with the following:

**“6.10.1 All buildings and structures on lots abutting** Highway 97 or Highway 33, shall not be closer than 4.5m to any lot line abutting the highway.”

4. AND THAT **Section 8 Parking and Loading, 8.1 Off-Street Vehicle Parking** heading **Size** be amended by adding “**and Ratio**” after “**Size**”

5. AND THAT **Section 8 Parking and Loading, 8.1 Off-Street Vehicle Parking, 8.1.11** be amended by adding “**and parking lot layout**” after “**parking space**”.



6. AND THAT Section 8 Parking and Loading, 8.1 Off-Street Vehicle Parking, 8.1.11 be amended by deleting sub-paragraph (a) that reads:

“Except as provided below, each required off-street parking space shall be a minimum of 2.5 m in width with a minimum clear length of 6.0 m exclusive of access drives or aisles, ramps, columns. Parking spaces shall have a vertical clearance of at least 2.0 m. For parallel parking, the length of the parking spaces shall be increased to 7.0 m, except that an end space with an open end shall be a minimum of 5.5 m. For parking spaces other than parallel parking spaces, up to 40% of the required parking spaces may be of a length shorter than that required above, to a minimum of 5.0 m.”

And replacing it with the following:

“(a)

|  | Length | Width  | Height |
|--|--------|--|--------|
| a) Full Size Vehicle Parking space   | 6.0m   | 2.5m   | 2.0m   |
| b) Medium Size Vehicle Parking Space   | 4.8m   | 2.3m   | 2.0m   |
| c) Compact Vehicle/Motorcycle Parking Space  | 3.4m   | 2.0m   | 2.0m   |
| d) Regular Parallel parking space  | 7.0m   | 2.6m   | 2.0m   |
| e) Small Parallel Parking Space  | 6.7m   | 2.3m   | 2.0m   |
| f) Boat Launch Parking Space   | 12.0m  | 3.0m   | 2.0m   |
| g) Parking for persons with disabilities   | 6.0m   | 3.7m   | 2.0m   |
| h) All two-way drive aisles serving 90 degree parking (parking lot/parkade).       |        | 7.0m   | 2.0m   |
| i) All two-way surface drive aisles in residential strata developments             |        | 6.0m   |        |
| j) One way drive aisles (60 degree parking)  |        | 5.5m   | 2.0m   |
| k) One way drive aisles (45 degree parking)  |        | 3.6m   | 2.0m   |
| l) Where the use of a parking space is limited on both sides by a wall or a column |        | 3.0m (unobstructed with from face to face of column) | 2.0m   |
| m) Where the use of a parking space is limited on one side by a wall or column     |        | 2.7m (or 3.0m if a door opens into that one side)    | 2.0m   |
| n) Where a building door opens into the parking space on its long side.            |        | 3.3m (unobstructed width)                            | 2.0m   |

\*Note: Length, width and height measurements must be clear of obstructions (access aisles, ramps, columns). Spacing measurements shall be taken from the inside to inside of columns.”

7. AND THAT Section 8.1.11 be amended by deleting sub-paragraph (b) that reads:

“Where the use of a parking space is limited on both sides by a wall or a column, the unobstructed width from face to face of the obstructions shall be 3.0m, and if in this case, a building door opens into the parking space on its long side, the unobstructed width shall be 3.3 m. Where the use of a parking space is limited to one side by a wall or a column, the unobstructed width of the parking space shall be 2.7 m, and if in this case, a building door opens into the parking space on its long side, the unobstructed width shall be 3.0 m.”

And replacing it with the following:

“(b)

| Parking Stall Type Ratio By Use:  | Full Size Vehicle Parking Stalls | Medium Size Vehicle Parking Stalls      | Compact Car/Motorcycle Parking Stalls |
|-----------------------------------|----------------------------------|---|---------------------------------------|
| Single Family Residential         | 50% Minimum                      | 50% Maximum                             | 0%                                    |
| Carriage House                    |                                  | Medium Car Stall is minimum requirement |                                       |
| Multi-Family Town house/Row House | 50% Minimum                      | 50% Maximum                             | 0%                                    |
| Multi-family Residential          | 50%                              | 40%                                     | 10%                                   |
| Commercial                        | 50%                              | 40%                                     | 10%                                   |
| Industrial                        | 70%                              | 30%                                     | 0%                                    |
| Institutional                     | 50%                              | 40%                                     | 10%                                   |

8. AND THAT Section 13 - Urban Residential Zones, 13.8 RM2 - Low Density Row Housing RM2h - Low Density Row Housing (Hillside Area), 13.8.5 Subdivision Regulations be amended by adding a new sub-paragraph in its appropriate location as follows:

“(d) A row-house development in this zone may be subdivided into lots smaller than the Subdivision Regulations listed above in 13.8.5 (a), (b) and (c) provided that:

- i) a Party Wall Agreement is registered on title and
- ii) the Subdivision occurs in accordance with Preliminary Layout Review Letter issued by the City of Kelowna; and
- iii) the site is comprehensively developed under a single development permit.”

9. AND THAT Section 13 - Urban Residential Zones, 13.8 RM2 - Low Density Row Housing RM2h - Low Density Row Housing (Hillside Area), 13.8.6 Development Regulations be amended by deleting sub-paragraph (a) that reads:

“The maximum floor area ratio is 0.5, except it is 0.55 with a housing agreement pursuant to the provisions of Section 6.9. Where screened

**parking spaces** are provided totally under habitable or common amenity areas, the **floor area ratio** may be increased by 0.08 multiplied by the ratio of such **parking spaces** to the total required up to a maximum of 0.08.”

And replacing it with the following:

“(a) The maximum site **floor area ratio** is 0.65.

Where at least 50% of **parking spaces** are provided totally under habitable areas, common amenity areas or in garages/carports, the site **floor area ratio** may be increased by 0.05.

The site floor area ratio may be increased by a further 0.1 for a development constructed in an Urban Centre (as defined by Kelowna’s Official Community Plan).”

10. AND THAT Section 13 - Urban Residential Zones, 13.8 RM2 - Low Density Row Housing RM2h - Low Density Row Housing (Hillside Area), 13.8.6 be amended by deleting sub-paragraph (b) that reads:

“The maximum **site coverage** is 45%, provided that the maximum **site coverage** of buildings, driveways, and parking areas is 50%.”

And replacing it with the following:

“(b)The maximum **site coverage** is 50% provided that the maximum **site coverage** of buildings, driveways, and parking areas is 55%. This may be increased by 5% (to a maximum of 60%) for **permeable drive surfaces and parking**.”

11. AND THAT Section 13 - Urban Residential Zones, 13.8 RM2 - Low Density Row Housing RM2h - Low Density Row Housing (Hillside Area), 13.8.6 be amended by deleting sub-paragraph (d) that reads:

“The minimum **site front yard** is 4.5m. except it is 6.0m for a garage or **carport**. In RM2h zones, the minimum **site front yard** is 3.0m except it is 6.0m measured from the back of curb or a sidewalk, whichever is closest, to a garage or **carport** having vehicular entry from the front.”

And replacing it with the following:

“(d) The minimum **site front yard** is 1.5m for ground-oriented housing with a front door facing the street. In any other circumstance, the site front yard is 4.5m or 6.0m for a garage or carport.

In RM2h zones, the minimum **site front yard** is 3.0m from a **flanking street** except it is 6.0m measured from the back of curb or a sidewalk, whichever is closest, to a garage or **carport** having vehicular entry from the front.”

12. AND THAT Section 13 - Urban Residential Zones, 13.8 RM2 - Low Density Row Housing RM2h - Low Density Row Housing (Hillside Area), 13.8.6 be amended by deleting sub-paragraph (e) that reads:

“The minimum **site side yard** is 4.0m for a 1 or 1½ **storey** portion of a **building** or accessory **building** or **structure** and 4.5m for a 2 or 2 ½ **storey** portion of a **building** except it is 4.5 from a **flanking street**

unless there is a garage it shall be 6.0m. In RM2h zones, the minimum **site side yard** shall be 3.0m except it is 6.0m measured from the back of curb or sidewalk, whichever is closest, to a garage or **carport** having vehicular entry from the front. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **site side yard** shall be at least 3.0m.”

And replacing it with the following:

“(e) The minimum **site side yard** is 4.0m. From a **flanking street** the side yard setback is 4.5m except it may be reduced to 1.5m for ground-oriented housing with a front door facing that street (front doors may face either the fronting or flanking street). The site side yard to a garage or carport is 6.0m.

In RM2h zones, the minimum **site side yard** from a **flanking street** shall be 3.0m except it is 6.0m measured from the back of curb or sidewalk, whichever is closest, to a garage or **carport** having vehicular entry from the front.

Side yard setbacks are not required on a lot line that has a **party wall**.”

13. AND THAT **Section 13 - Urban Residential Zones, 13.8 RM2 - Low Density Row Housing RM2h - Low Density Row Housing (Hillside Area), 13.8.7 Other Regulations** be amended by deleting sub-paragraph (a) that reads:

“No more than 6 **dwellings** may be located in a building.”

And replacing it with the following:

“(a) No more than 6 **dwellings** may be located in a building in the RM2h zone.”

14. AND THAT **Section 13 - Urban Residential Zones, 13.8 RM2 - Low Density Row Housing RM2h - Low Density Row Housing (Hillside Area), 13.8.7 Other Regulations** be amended by adding a new sub-paragraph in its appropriate location as follows:

“(f) Where the **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**, except in **hillside areas** where the topography would require the slope of such access to exceed 15%.”

15. AND THAT **Section 13 - Urban Residential Zones, 13.9 RM3 - Low Density Multiple Housing, 13.9.5 Subdivision Regulations** be amended by adding a new sub-paragraph in its appropriate location as follows:

“(d) A development in this zone may be subdivided into lots smaller than the subdivision regulations listed above provided that:

- i) a **Party Wall Agreement** is registered on title and
- ii) the Subdivision occurs in accordance with Preliminary Layout Review Letter issued by the City of Kelowna; and
- iii) the site is comprehensively developed under a single development permit.”

16. AND THAT **13 - Urban Residential Zones, 13.9 RM3 - Low Density Multiple Housing, 13.9.6 Development Regulations** be amended by deleting sub-paragraph (b), (c), (d), (e) and (f) that read:



“(b) The maximum **building site coverage** is 40%, provided that the maximum **site coverage** of **buildings**, driveways, and parking areas is 50%.

(c) The maximum **height** is the lesser of 9.5 m or 2½ **storeys**, except it is 4.5 m for accessory **buildings** and **structures**.

(d) The minimum **site front yard** is 4.5 m, except it is 6.0 m for a garage or **carport**.

(e) The minimum **site side yard** is 4.0 m for a 1 or 1½ **storey** portion of a **building** or an accessory **building** or **structure** and 4.5 m for a 2 or 2½ **storey** portion of a **building**, except it is 4.5 m from a **flanking street** unless there is a garage accessed from the **flanking street**, it is 6.0 m. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **site side yard** shall be at least 3.0 m. **Side yards** are not required on a **lot line** that has a **party wall**.

(f) The minimum **site rear yard** is 7.5 m, 4.5 m for common recreation **buildings**, and 1.5 m for other accessory **buildings**.”

And replacing it with the following:

“(b) The maximum **building site coverage** is 40% but may be increased to a maximum of 50% if **private open space** for each unit can be provided on a deck, patio, balcony or rooftop deck which exceeds the bylaw requirement by 10%.

The maximum **site coverage** of **buildings**, driveways, and parking areas is 60%. This may be increased by 5% (to a maximum of 65%) for **permeable drive surfaces and parking**.

(c) The maximum **height** is the lesser of 10m or 3 **storeys**, except it is 4.5 m for accessory **buildings** and **structures**.

Any portion of a building within 7.5m of an abutting **lot** with a Single/Two Unit, Resource Protection Area, or Hillside Residential designation in the City’s Official Community Plan must not be greater than 9.5m or 2 ½ **storeys** in height.”

(d) The minimum **site front yard** is 1.5m for ground-oriented housing with a front door facing the street. In any other circumstance, the site front yard is 4.5m or 6.0m for a garage or **carport**.

(e) The minimum **site side yard** is 4.0m. From a **flanking street** it is 4.5m except it may be reduced to 1.5m from a **flanking street** for ground-oriented housing with a front door facing that street. The **site side yard** to a garage or **carport** is 6.0m. The minimum site side yard from a public lane is 1.2m.

Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **site side yard** shall be at least 3.0m.

Notwithstanding 13.9.6(g), side yards are not required on a lot line that has a **party wall**.

(f) The minimum **site rear yard** is 7.5 m, except that it may be reduced to 3.0m from a public lane.

The **site rear yard** is 4.5 m for common recreation **buildings**, and 1.5 m for other accessory **buildings**.”

17. AND THAT Section 13 - Urban Residential Zones, 13.11 RM5 - Medium Density Multiple Housing, 13.11.6 Development Regulations be amended by deleting sub-paragraph (a), (b), (c), (d), (e) and (f) that read:

“(a) The maximum **floor area ratio** is 1.1, except it is 1.2 with a housing agreement pursuant to the provisions of Section 6.9. Where **parking spaces** are provided totally beneath habitable space of a principal **building** or beneath useable common amenity areas providing that in all cases, the **parking spaces** are screened from view, an amount may be added to the **floor area ratio** equal to 0.2 multiplied by the ratio of such **parking spaces** to the total required **parking spaces**, but in no case shall this amount exceed 0.2.

(b) The maximum **site coverage** is 40%, provided that the maximum **site coverage** of **buildings**, driveways, and parking areas is 60%.

(c) The maximum **height** is the lesser of 16.5 m or 4 **storeys**, except it is 4.5 m for accessory **buildings** and **structures**.

(d) The minimum **site front yard** is 6.0 m.

(e) The minimum **site side yard** is 4.5m for a portion of a **building** not over 2½ **storeys**, and 7.5m for portions of a **building** in excess of 2½ **storeys**, and 7.5 m from a **flanking street**.

(f) The minimum **site rear yard** is 9.0 m, except it is 7.5 m where there is a rear **lane**. It is 6.0 m for accessory **buildings**.”

And replacing it with the following:

“(a) The maximum **floor area ratio** is 1.1

Where the required **parking spaces** (excluding visitor stalls) are provided totally beneath habitable space of a principal **building** or beneath useable common amenity areas providing that in all cases, the **parking spaces** are screened from view, the **floor area ratio** may be increased by the percentage of required parking provided under the building to a maximum net floor area for the zone of 1.2.

The floor area ratio may be increased by a further 0.2 for a development constructed in an Urban Centre (as defined by Kelowna’s Official Community Plan).

(b) The maximum **site coverage** is 40%.

This may be increased to 50% if the developer can achieve additional **private open space** (a minimum of 20% on top of the bylaw requirement) within the footprint of the building.

The maximum **site coverage** of **buildings**, driveways, and parking areas is 65%. This may be increased by 5% (to a maximum of 70%) for **permeable drive surfaces and parking**.

(c) The maximum **height** is the lesser of 18.0 m or 4.5 **storeys**, except it is 4.5 m for accessory **buildings and structures**.

(d) The minimum **site front yard** is 6.0 m.

The **site front yard** for ground-oriented housing with a front door facing the street may be reduced to 1.5m for portions of a **building** not over 2½ **storeys** developed. Where the **site front yard** has been reduced below 6.0m for ground-oriented housing any portion of a **building** in excess of 2½ **storeys** must meet the 6.0m **site front yard**.

(e) The minimum **site side yard** is 4.5m for a portion of a **building** not over 2½ **storeys**, and 7.0m for portions of a **building** in excess of 2½ **storeys**. The site side yard to a **flanking street** is 6.0 m but may be reduced to 1.5m for ground-oriented housing with a front door facing the street. Where the **site side yard** has been reduced below 6.0m for ground-oriented housing any portion of a **building** in excess of 2½ **storeys** must meet the 6.0m **site side yard**.

(f) The minimum **site rear yard** is 9.0 m, except it is 7.0 m where there is a rear **lane**. For portions of a parkade with **lane** access which do not project more than 2.0m above natural grade, the **site rear yard** is 1.5m.

The **site rear yard** is 6.0 m for accessory **buildings**. The site rear yard for carport structures is 1.5m.”

18. AND FURTHER THAT Section 13 - Urban Residential Zones, 13.11 RM5 - Medium Density Multiple Housing, 13.11.7 Other Regulations be amended by deleting sub-paragraph (b) that reads:

“No continuous **building frontage** shall exceed 40.0 m for a 3 or 4 **storey building**, nor 65.0 m for a 2 **storey building**. If the **frontage** is interrupted by an open courtyard equivalent in depth and width to the **building height**, the maximum continuous 3 **storey building frontage** may be 80.0 m provided that no **building** section exceeds 40.0 m. The **building** must be designed so the portion **adjacent** to neighbouring **development** is no more than ½ **storey** higher.”

And replacing it with the following:

“(b) A continuous **building frontage** shall not exceed 100 metres in length, and must be designed with appropriate architectural breaks or relief where the length of the building exceeds 37 metres.”

19. 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

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

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(Approving Officer-Ministry of Transportation and Infrastructure)

Adopted by the Municipal Council of City of Kelowna on the

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Mayor

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City Clerk



# CITY OF KELOWNA

## BYLAW NO. 10793

### Official Community Plan Amendment No. OCP12-0019 - Interval Investment Inc. (E of) Steele Road

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A bylaw to amend the "Kelowna 2030 - Official Community Plan Bylaw No. 10500".

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

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "Kelowna 2030 - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of a portion of Part 8.1 acres more or less of the South West 1/4, Section 29 shown outlined green on Plan B4787, Township 29, SDYD located on Steele Road, Kelowna, B.C., from the S2RES - Single/Two Unit Residential designation and S2RESH - Single/Two Unit Residential - Hillside designation designation to the S2RES - Single/Two Unit Residential designation, the S2RESH - Single/Two Unit Residential - Hillside designation and the PARK - Major Park and Open Space designation as shown on Map "A" attached to and forming part of this bylaw;
2. AND THAT pursuant to Section 882 of the *Local Government Act*, each reading of this bylaw receive an affirmative vote of a majority of all members of the Council;
3. 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 14<sup>th</sup> day of January, 2013.

Considered at a Public Hearing on the 29<sup>th</sup> day of January, 2013.

Read a second and third time by the Municipal Council this 29<sup>th</sup> day of January, 2013.

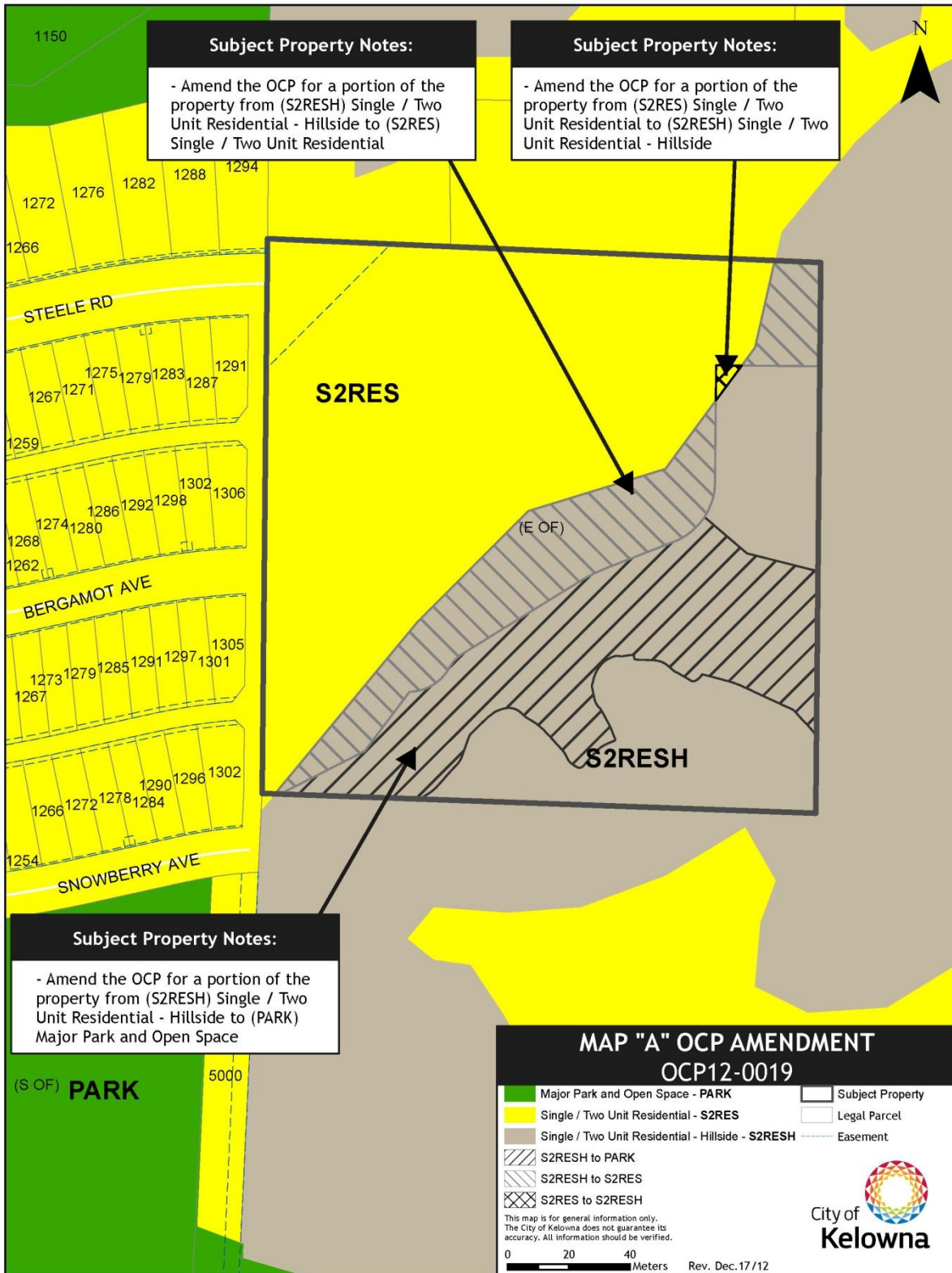
Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk



**CITY OF KELOWNA**  
**BYLAW NO. 10794**  
**Z12-0057 - Interval Investment Inc.**  
**(E of) Steele Road**

---

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

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a portion of Part 8.1 acres more or less of the South West 1/4, Section 29 shown outlined green on Plan B4787, Township 29, SDYD located on Steele Road, Kelowna, B.C., from the A1 - Agriculture 1 zone to the RU3 - Small Lot Housing zone, the P3 - Parks & Open Space zone and the A1 - Agriculture 1 zone as shown on Map "B" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 14<sup>th</sup> day of January, 2013.

Considered at a Public Hearing on the 29<sup>th</sup> day of January, 2013.

Read a second and third time by the Municipal Council this 29<sup>th</sup> day of January, 2013.

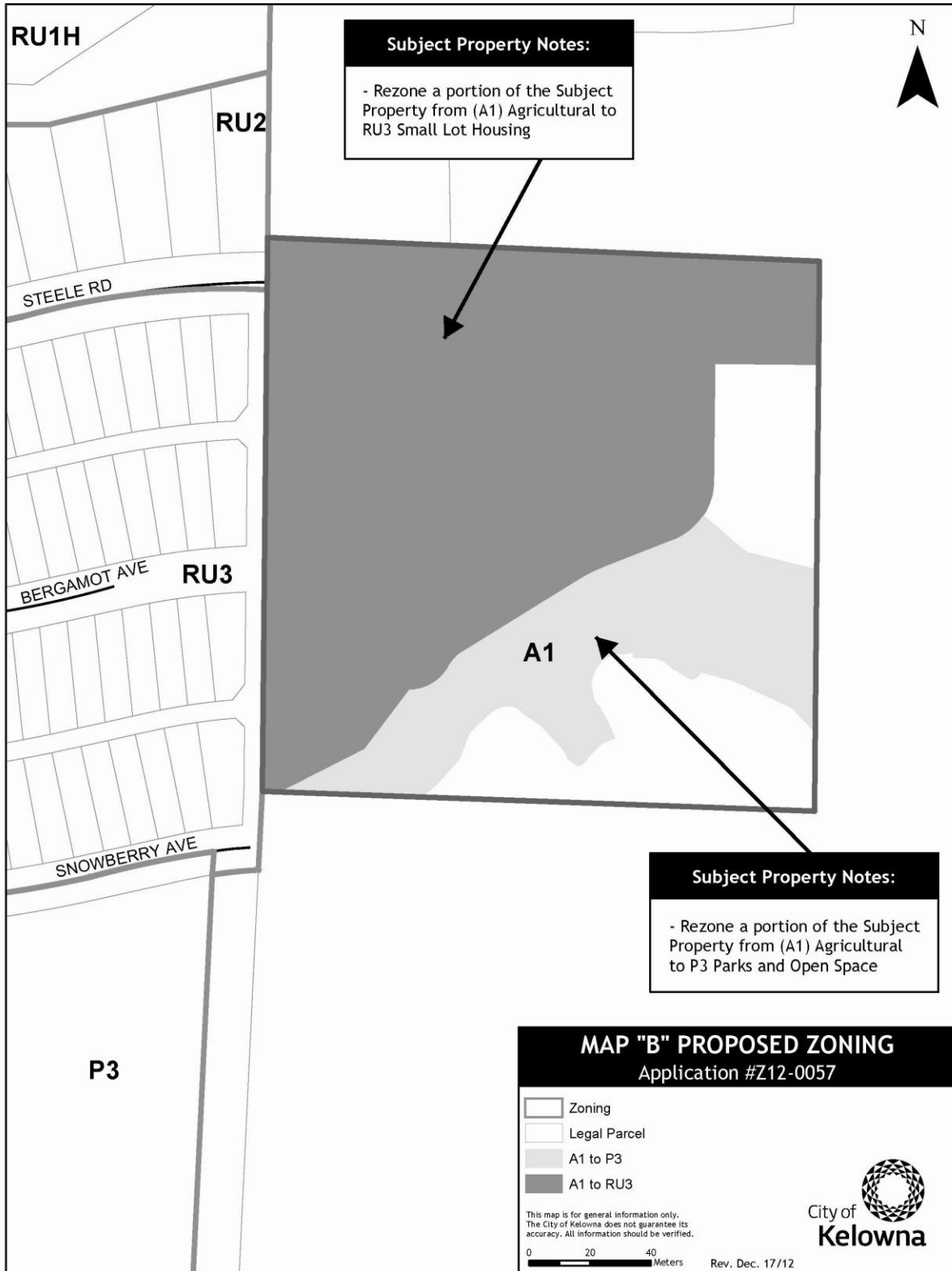
Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk





# REPORT TO COUNCIL



**Date:** March 4, 2013  
**RIM No.** 0940-50  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability (AW)  
**Application:** DVP12-0143      **Owner:** Interval Investment Inc., Inc. No. 196442  
**Address:** (E OF) Steele Road      **Applicant:** The Creeks Kelowna (Dave Lange)  
**Subject:** Development Variance Permit  
**Existing OCP Designation:** Single / Two Unit Residential (S2RES)  
**Existing Zone:** RU3 - Small Lot Housing

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## 1.0 Recommendation

THAT Final Adoption of Official Community Plan Bylaw No. 10793 and Zone Amending Bylaw No. 10794 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP12-0143 for Part 8.1 acres more or less of the South West ¼ Section 29 shown outlined green on Plan B4787 Township 29 Similkameen Division Yale District, located at (E OF) Steele Road, Kelowna, B.C;

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

Section 13.3.7 (b) Development Regulations

To allow direct front driveway access where access is only permitted from a rear lane as shown on Schedule 'A'.

## 2.0 Purpose

To consider a Development Variance Permit to allow direct front driveway access where the Zoning Bylaw requires access from a rear lane (when present).

## 3.0 Land Use Management

The applicant has submitted a Development Variance Permit to allow direct front driveway access where the Zoning Bylaw requires access from a rear lane (when present). Although Staff typically prefer access from the rear lane to reduce pedestrian and vehicular conflicts, this isolated project will allow the developer to experiment with a different form of housing that provides both front and rear lane access. Restricting access to the rear lane often results in a more aesthetically appealing and pedestrian oriented form of housing. However, the developer

has committed to limiting the street accessed garages to a single car garage which will help to ensure that the garage doors don't dominate the principle street frontages. Staff have agreed to explore this concept as a pilot project in this circumstance but it isn't anticipated that this will result in a broader policy shift.

#### 4.0 Proposal

##### 4.1 Background

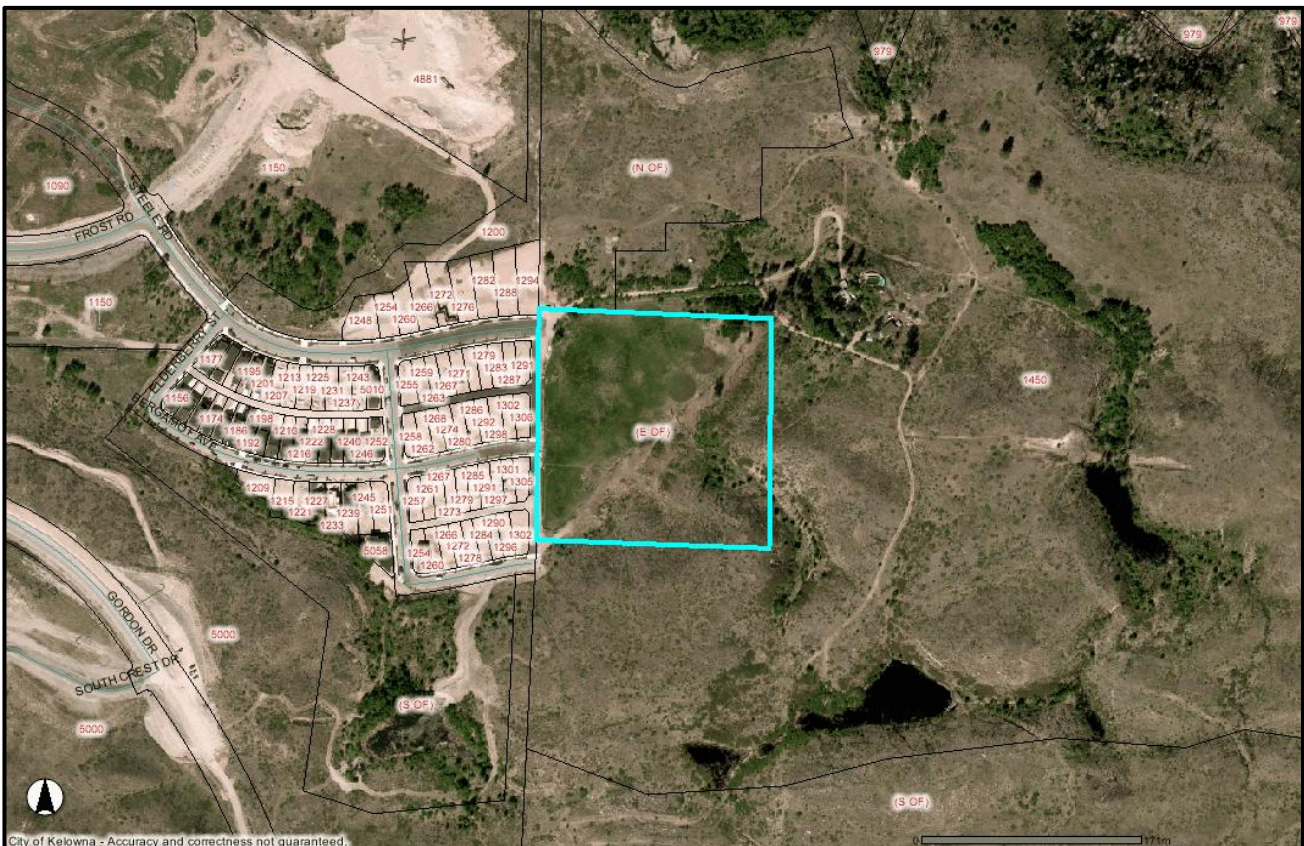
Official Community Plan amendment and rezoning applications are currently sitting at 3<sup>rd</sup> reading while the applicant addressed the final outstanding requirements of final approval. The proposed amendments to the Official Community Plan are limited to shifting the existing designations to accommodate the proposed subdivision layout of 23 lots and to designate additional space as Major Parks & Open Space. The proposal also involves a rezoning that will allow the applicant to move the development project forward. Staff have been working with the applicant on the natural environment details through a Natural Environment Development Permit.

##### 4.2 Project Description

The applicant has applied to vary Zoning Bylaw No. 8000 in order to allow a form of development that provides driveway access from the front street and the rear lane. The applicant's goal is to provide homes that have attached single car garages at front of the home allowing direct access to the home. This would be in addition to rear lane access where an additional detached garage can be constructed, providing owners with additional space.

##### 4.3 Site Context

Subject Property Map: (E OF) Steele Road



The subject properties are located in the South West Mission Sector and the adjacent land uses are as follows:

| <i>Direction</i> | <i>Zoning Designation</i> | <i>Land Use</i>     |
|------------------|---------------------------|---------------------|
| North            | A1 - Agriculture 1        | Neighbourhood 3 ASP |
| West             | RU3 - Small Lot Housing   | Residential         |
| South            | A1 - Agriculture 1        | Neighbourhood 3 ASP |
| East             | A1 - Agriculture 1        | Neighbourhood 3 ASP |

**5.0 Technical Comments**

5.1 Building & Permitting Department - N/A

5.2 Development Engineering Department

The Development Variance Permit application to vary the driveway access requirements to permit a single driveway off the street, does not compromise municipal servicing requirements.

**6.0 Application Chronology**

Date of Application Received: August 7<sup>th</sup>, 2012  
 Date of final layout: November 30<sup>th</sup>, 2012  
 Public Hearing date for zoning bylaw: January 29, 2013

**Report prepared by:**

Alec Warrender, Land Use Planner

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

**Approved for Inclusion:**  Doug Gilchrist, A. General Manager, Community Sustainability

**Attachments:**

Site Plan

# CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP12-0143

|                              |  |
|------------------------------|--|
| EXISTING ZONING DESIGNATION: | RU3 – Small Lot Housing  |
| DEVELOPMENT VARIANCE PERMIT: | To allow direct front driveway access where access is only permitted from a rear lane. |

|                           |                                 |
|---------------------------|---------------------------------|
| ISSUED TO:                | The Creeks Kelowna (Dave Lange) |
| LOCATION OF SUBJECT SITE: | (E OF) Steele Road              |

|                    | LOT | SECTION | D.L. | TOWNSHIP | DISTRICT | PLAN  |
|--------------------|-----|---------|------|----------|----------|---|
| LEGAL DESCRIPTION: |     |         |      | 29       | SDYD     | Part 8.1 acres more or less of the South West ¼ Section 29 shown outlined green on Plan B4787 |

SCOPE OF APPROVAL

- This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- Applicants for a Development Permit and/or Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

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

Section 13.3.7 (b) Development Regulations

To allow direct front driveway access where access is only permitted from a rear lane as shown on Schedule 'A'.

3. DEVELOPMENT:

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

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

**THIS Permit IS NOT A BUILDING Permit.**

4. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A.
- (b) A Certified Cheque in the amount of N/A
- (c) An Irrevocable Letter of Credit in the amount of N/A

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

5. APPLICANT'S AGREEMENT:

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

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

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Planning & Development Services.

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

**I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.**



\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

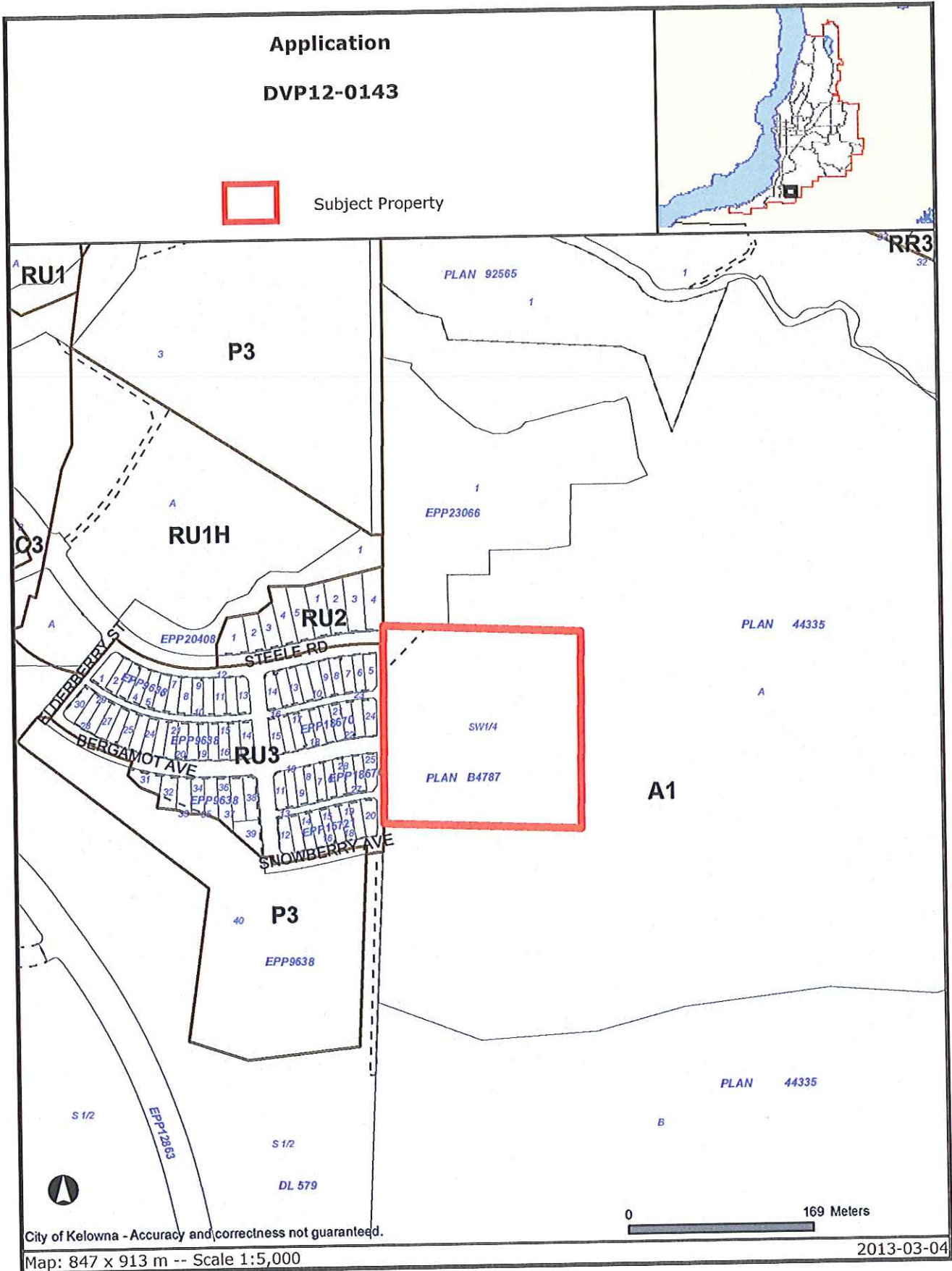
\_\_\_\_\_  
Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE 26<sup>th</sup> DAY OF MARCH, 2013.

ISSUED BY THE ACTING GENERAL MANAGER OF COMMUNITY SUSTAINABILITY OF THE CITY OF KELOWNA THE \_\_\_\_ DAY OF MARCH, 2013.

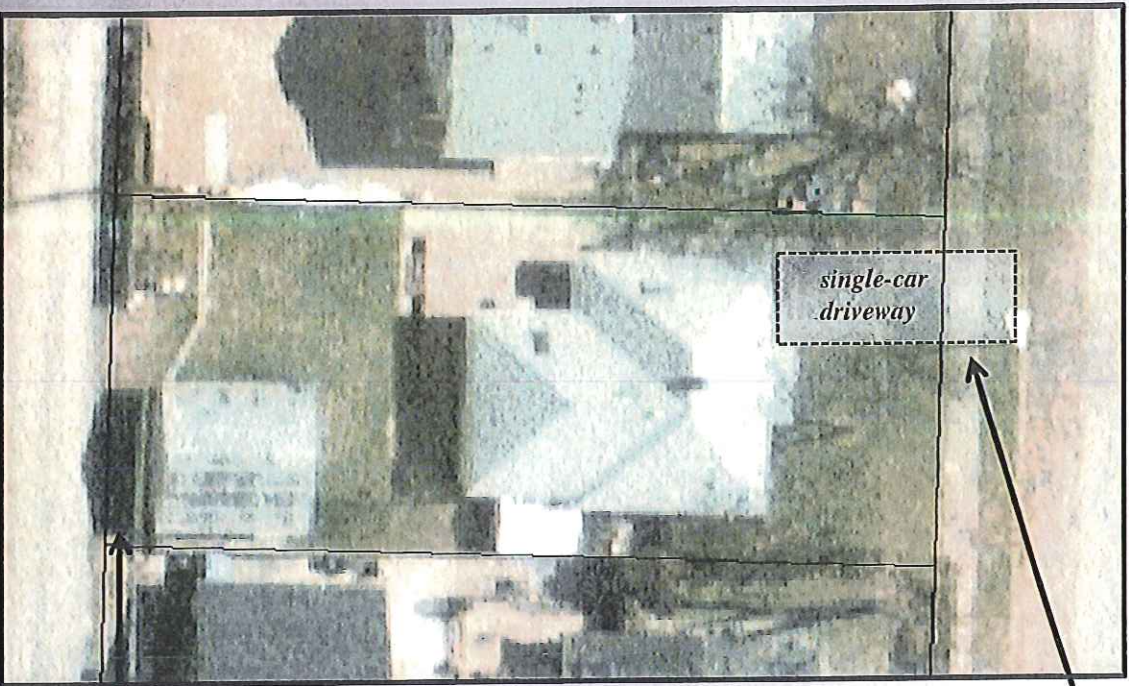
\_\_\_\_\_  
Doug Gilchrist  
A. General Manager, Community Sustainability



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.



# Variance to the RU3 Zone (Vehicular access from the street and the lane)



Request to permit an additional single car garage and access from street. This would allow flexible use of rear garage for recreational vehicles, workshops, storage, etc., and maintain street appeal.



*Single garage image from street*

Rear lane vehicular access and detached garage allowable in the RU3 Zone

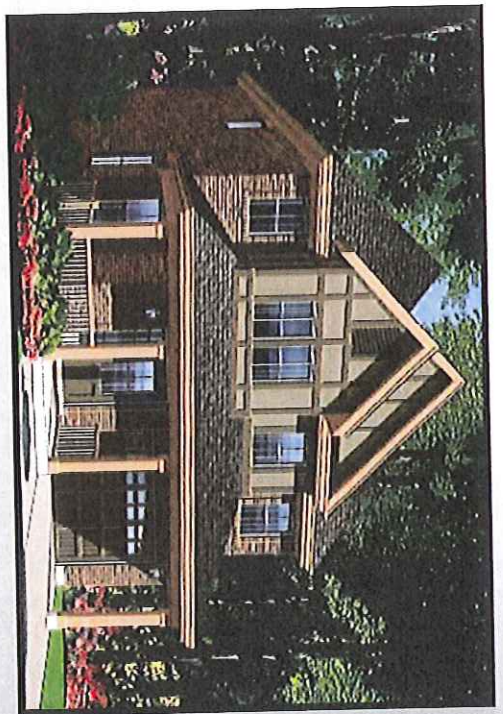
SCHEDULE A  
This forms part of development  
Permit # DUPD-0143





**RU3 (Double Garage / No Lane)**

- Garage dominates facade
- No storage room for extra car or recreation vehicles, etc.
- Potential for recreation vehicle storage in front yards or additional parking on street



**RU3 Variance (Single garage off street with double off lane)**

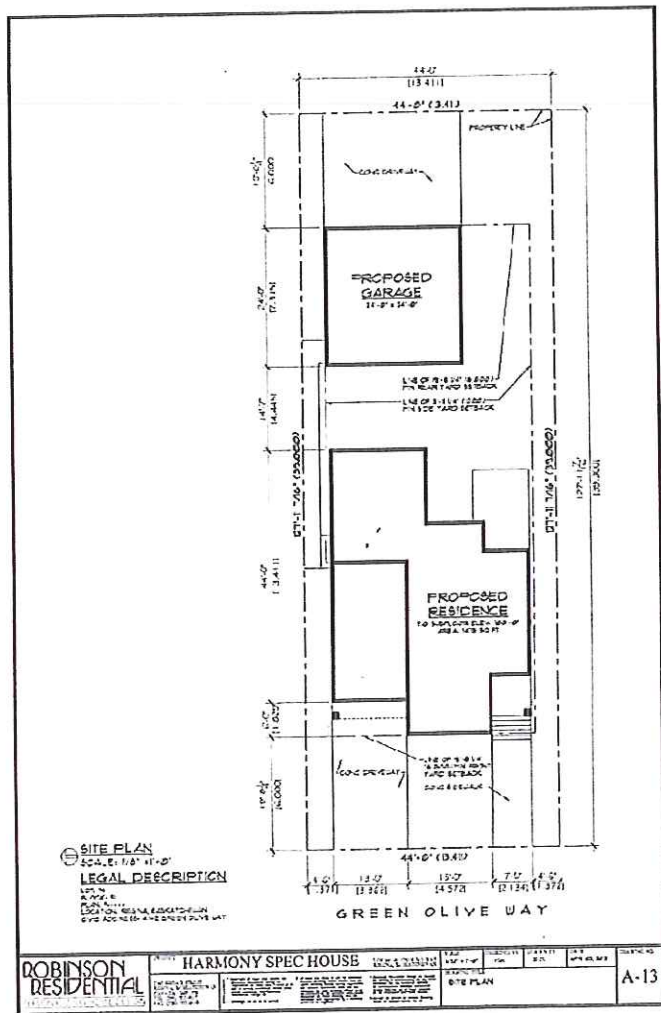
- + Safe convenient access off front
- + Superior street appeal with reduced garage width
- + Rear double garage offers affordable options for families with 3 cars, recreation vehicles/boats, workshop etc.
- + Appealing to a wider demographic cohort looking for more affordable homes

SCHEDULE   A    
 This forms part of development  
 Permit #   DVPD-0143  

**Variance to the RU3 Zone**  
*(Vehicular access from the street and the lane)*



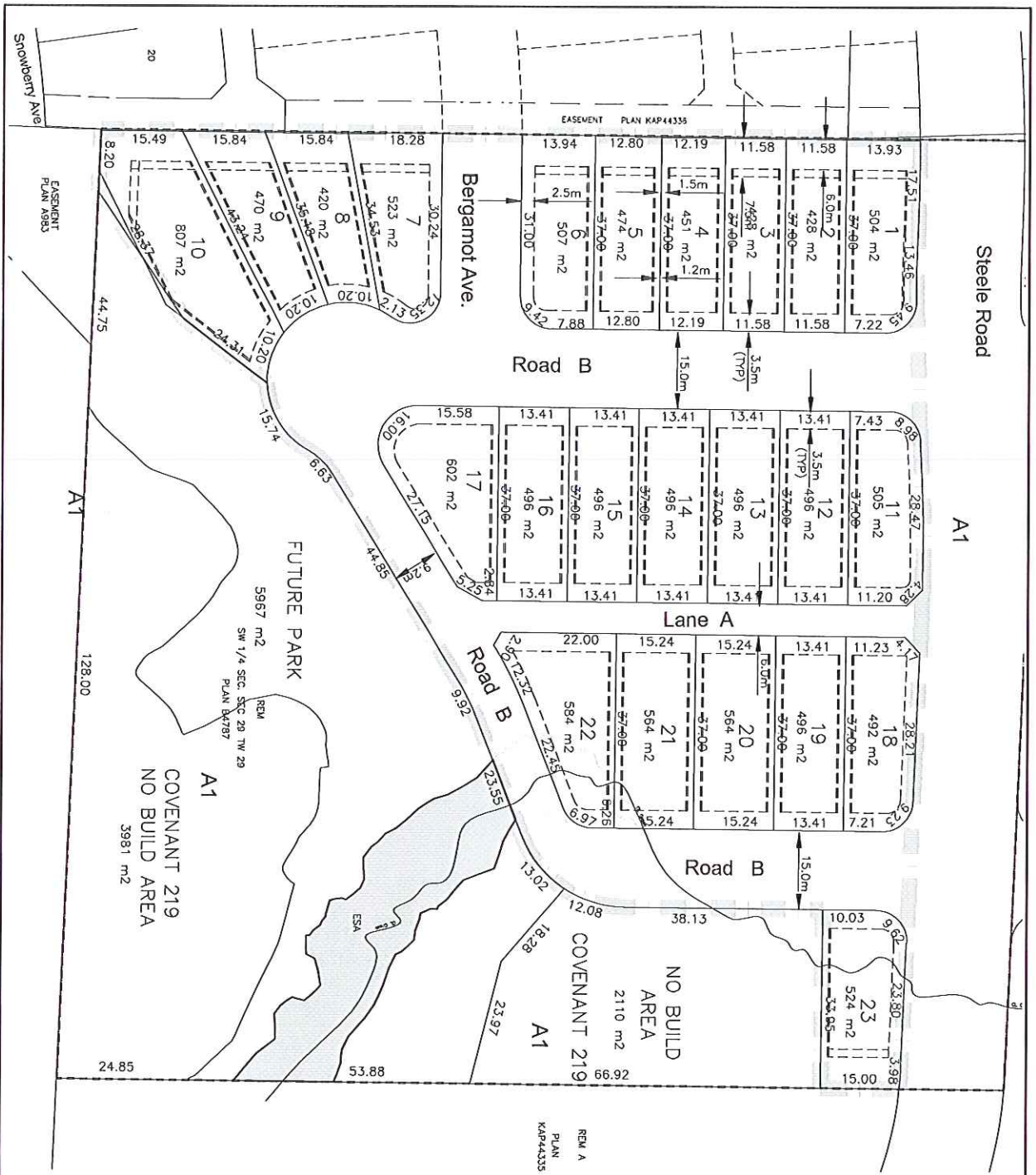
# Example: Concept Implemented in Alberta & Saskatchewan



SCHEDULE   A    
 This forms part of development  
 Permit # DVR12-0143



Small Lot Facade Images (single car front & double car rear lane concept on 34' lots)



**RUS SETBACKS:**  
 FRONT YARD = 3.5m  
 SIDE YARD = 1.2m FOR 1 TO 2 STOREY HOME  
 = 1.5m FOR 2-1/2 STOREY HOME  
 EXCEPT 2.5m FROM FLANKING STREET  
 REAR YARD = 6.0m FOR 1 TO 1 1/2 STOREY HOME  
 = 7.5m FOR 2 TO 2-1/2 STOREY HOME

**INTERVAL LANDS**  
**PROPOSED RUS ZONING**  
**PLAN B4787, SW 1/4**  
**CIVIC ADDRESS E OF STEELE ROAD**

REM A  
 PLAN  
 KAP44335

1:750  
 OCTOBER 2012

ECORA ENGINEERING LTD.  
 #218 - 1884 Spoil Road, KELLOWNA, B.C. V1Y 4R1  
 TEL/FAX: 250.469.9757

EK-12-006-PRZ.dwg



# REPORT TO COUNCIL



**Date:** February 28, 2013  
**RIM No.** 0940-50  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability (BD)  
**Application:** DVP13-0019      **Owner:** John Robert and Mary Patricia MacDonald  
**Address:** 990 Villa Vista Road      **Applicant:** John Robert and Mary Patricia MacDonald  
**Subject:** Development Variance Permit  
**Existing Zone:** RU1- Large Lot Housing

---

## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0019, for Lot 2, Section 23, Township 26, ODYD Plan 15939, located on 990 Villa Vista Road, Kelowna, BC;

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

### Section 13.1.6 (d): Development Regulations

To vary the south side yard setback from 2.0m permitted to 0.73m proposed, as per schedule 'A'.

AND FURTHER THAT a Building Permit for the addition and existing carport be applied for in order for the Development Variance Permit to be issued.

## 2.0 Purpose

The purpose of this application is to vary the required south side yard setback to facilitate the legalization of a carport structure and an addition to the dwelling.

## 3.0 Land Use Management

The applicant is seeking to expand the floor area of the dwelling located directly behind a carport to facilitate an accessible laundry room. The dwelling was constructed under the regulations of the previous Zoning Bylaw 4500 which only required a 1.52m side yard, therefore, the request to reduce the side yard setback to 0.73m was influenced by previous development regulations. However, it is noteworthy that the required setback is for a carport that was constructed without the appropriate permits.

Although Staff do not condone construction without authorization, the applicant was able to demonstrate neighbourhood support for the project and the reduction of the side yard setback does not create any hardship for abutting property owners and use of their property.

Should Council approve the variance request, a Building Permit will be required to legalize the carport construction and proposed addition.

#### 4.0 Proposal

##### 4.1 Project Description

The applicant is seeking to construct an addition to the south side of an existing single family dwelling. The proposal encroaches into the required side yard setback triggering a variance. Incidentally, a carport which was previously constructed for which no record of permits exists requires a greater relaxation of the side yard.

The proposed setback variance has little impact on the character or rhythm of the neighbourhood given that the street is rural in nature and the subject property is located near the termination of the thru street. In fact, due to the mature vegetation, neither of the adjacent parcels have visual exposure to the subject property.

##### 4.2 Site Context

The subject property is located on the west side of Villa Vista Road on the bluff on the Rutland / Belgo boarder of Kelowna. The fairly isolated street is unique as it features large single family dwellings on the west side and rural agricultural land on the east. The property is characterized by a flat portion of the site adjacent to the road and a sharp drop at the half way through the site. The surrounding properties are zoned as follows:

| Orientation | Zoning                 | Land Use        |
|-------------|------------------------|-----------------|
| North       | RU1- Large Lot Housing | Residential use |
| East        | A1 - Agriculture 1     | Orchard         |
| South       | RU1- Large Lot Housing | Residential use |
| West        | RU1- Large Lot Housing | Residential use |

##### 4.3 Subject Property Map: 990 Villa Vista Road





**4.4 Zoning Analysis Table**

The proposed application meets the requirements of RU1 - Large Lot Housing zone as follows:

| Zoning Analysis Table   |                                    |                      |
|---|------------------------------------|----------------------|
| CRITERIA  | RU1 ZONE REQUIREMENTS              | PROPOSAL             |
| Existing Lot/Subdivision Regulations                          |                                    |                      |
| Lot Area  | 550 m <sup>2</sup>                 | 1,913 m <sup>2</sup> |
| Lot Width   | 16.5 m                             | 18.28 m              |
| Lot Depth   | 30 m                               | 51.3 - 68.8m         |
| Development Regulations                                       |                                    |                      |
| Front Yard  | 4.5m to dwelling<br>6.0m to garage | 6.12 m               |
| Side Yard (south)   | 2.0 m (1- 1½ storey)               | 4.37 m               |
| Side Yard (north)   | 2.0 m (1- 1½ storey)               | 0.73 m ①             |
| Rear Yard   | 7.5 m                              | 47.6 m               |
| ① A variance is being sought to reduce the side yard setback. |                                    |                      |

**5.0 Technical Comments**

**5.1 Building & Permitting Department**

Full Plan check for Building Code related issues will be done at time of Building Permit applications. This carport was constructed without permits which would be required. It appears that the setbacks are not correct for the zoning.

**5.2 Development Engineering Department**

The requested side yard variance for a laundry closet expansion does not compromise any Municipal Infrastructure.

**5.3 Fire Department**

No concerns.

**6.0 Application Chronology**

Date of Application Received: January 25, 2013

Application completion: February 25, 2013

Report prepared by:

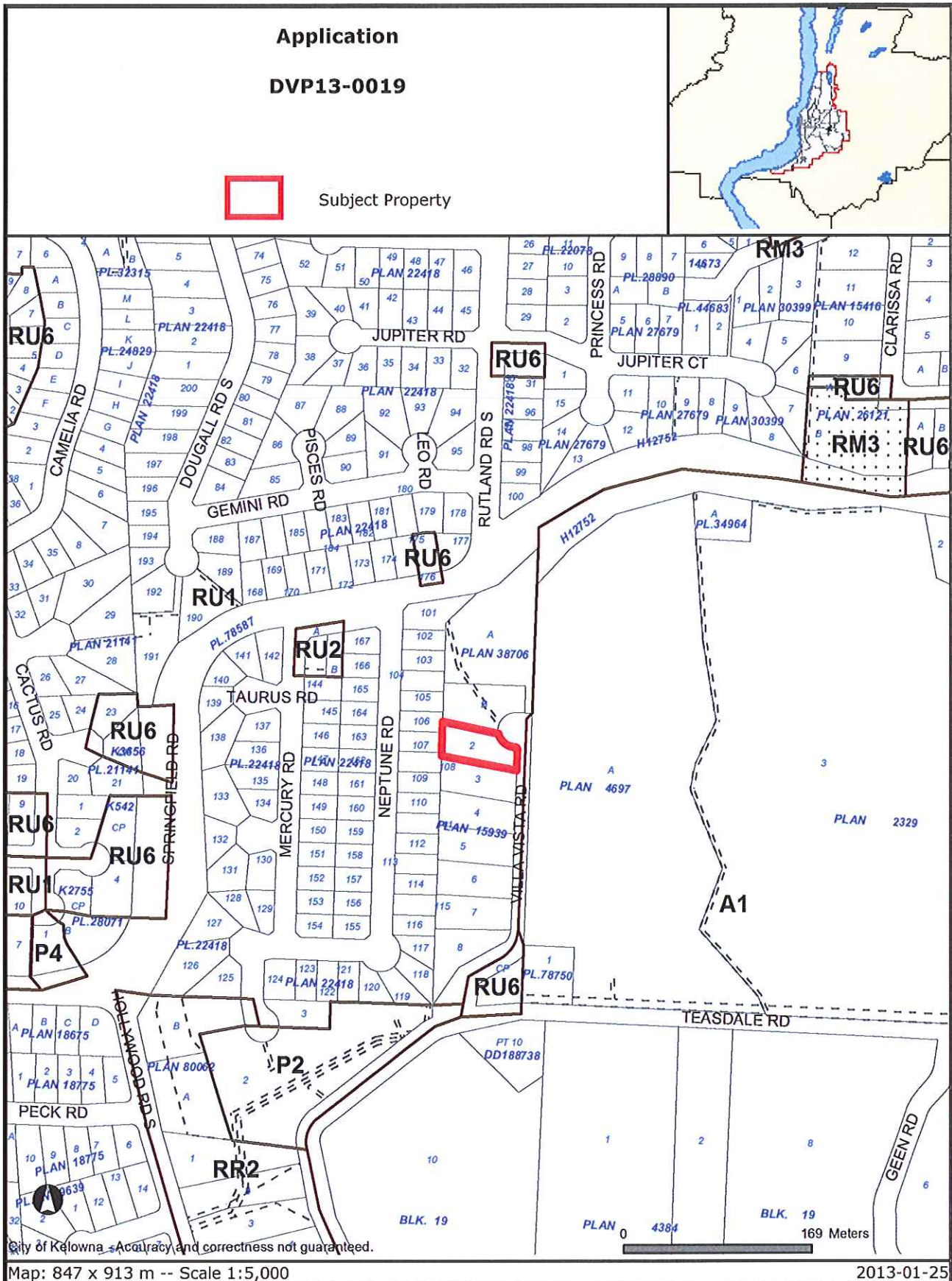
\_\_\_\_\_  
Birte Decloux, Urban Land Use Planner

Reviewed by:  Danielle Noble, Manager, Urban Land Use

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

**Attachments:**

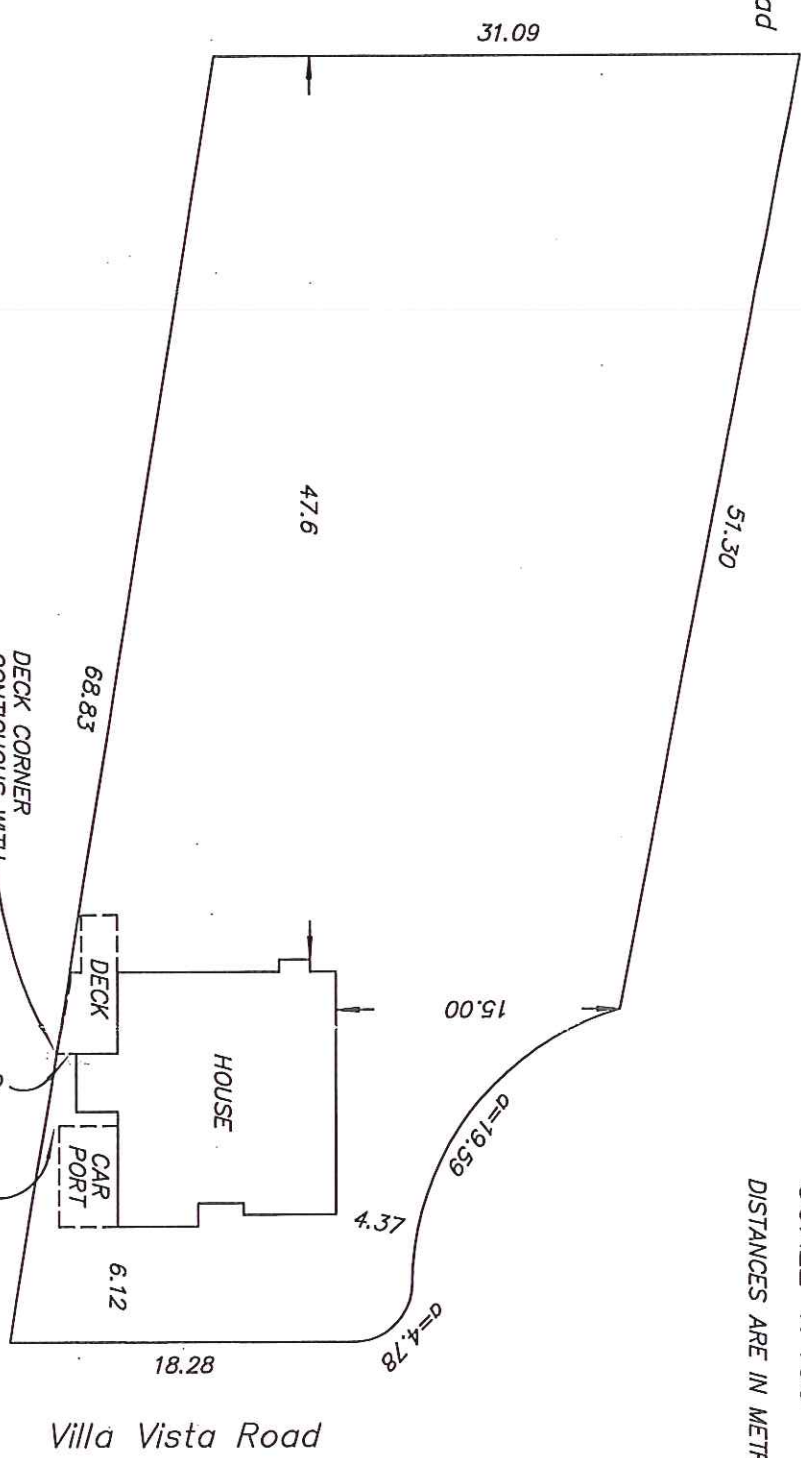
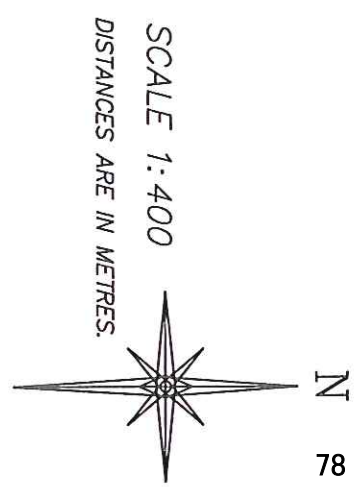
- Site Plan
- Elevation Photo
- Proposed Floor Plan



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.

**B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING ON LOT 2 SEC. 23 TP. 26 O.D.Y.D. PLAN 15939**

Civic Address:  
990 Villa Vista Road  
Kelowna, BC



All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the consent of the signatory.

Ⓒ This document is not valid unless originally signed and sealed.

**CERTIFIED CORRECT**  
this 30th day of October, 2012.

*[Signature]*  
D.A. Goddard BCLS

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

**SCHEDULE A**

This forms part of development Permit # **DVP13-0019**

This plan was prepared for municipal purposes and is for the exclusive use of our client.

**FILE 16075 FB 365**  
**RE: Macdonald**

D.A. Goddard Land Surveying Inc.  
103-1358 St. Paul Street, Kelowna  
Phone (250) 763-3733

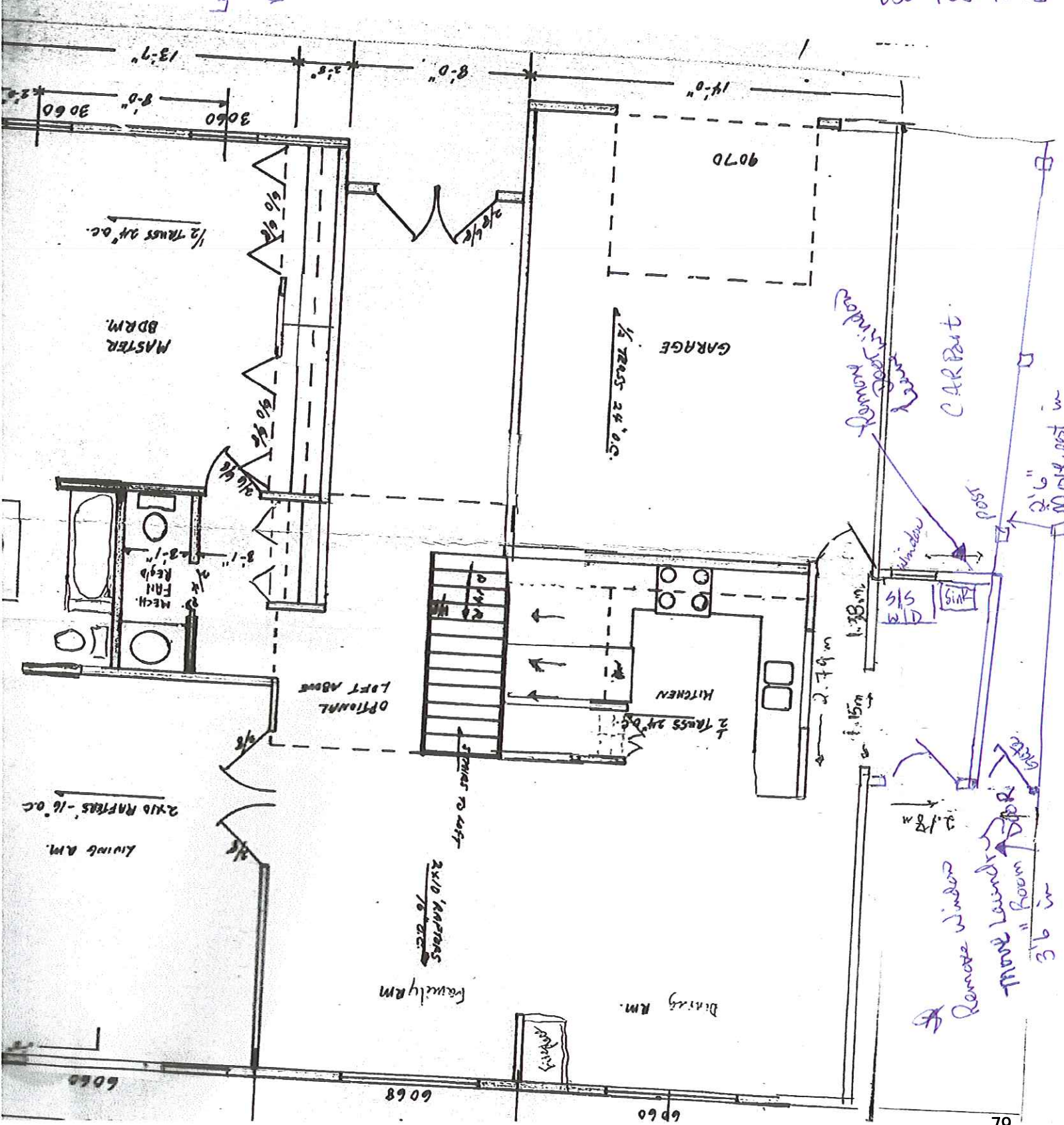
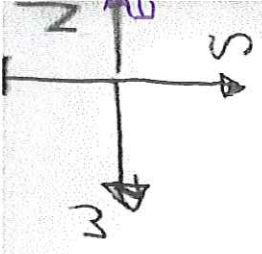


Dec. 2012.

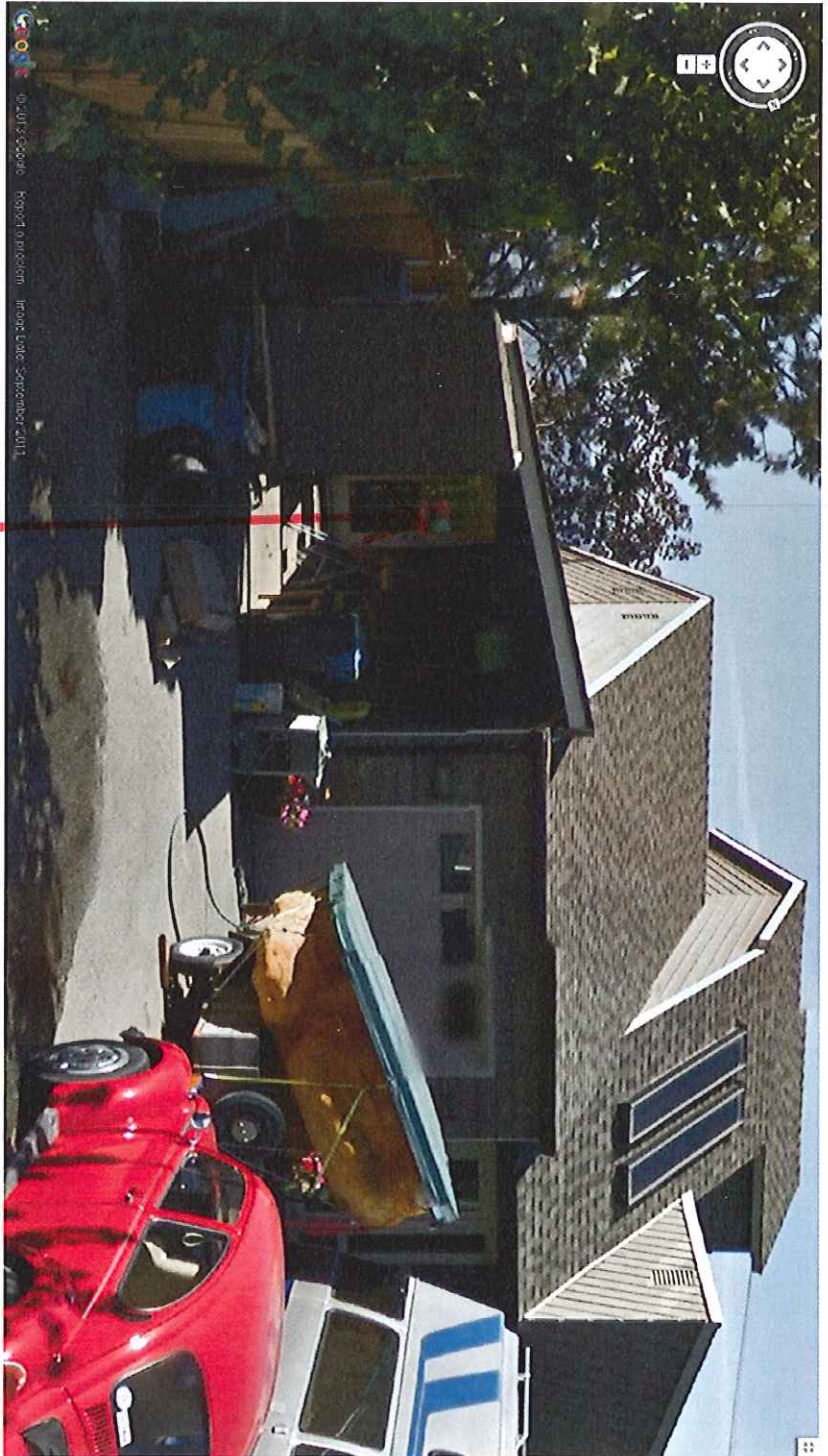
990 Villa Vista Road  
Kelowna, BC  
V1P1C8

John R. & Mary P.  
MacDonald  
250.765.9095

Lot 2, Sec. 23 TP.  
26 O.D.D.  
Plan 15939







HERE

# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP13-0019

EXISTING ZONING DESIGNATION: RU1- Large Lot Housing

DEVELOPMENT VARIANCE PERMIT: To vary the required south side yard setback to facilitate the legalization of a carport structure and an addition to the dwelling

ISSUED TO: John Robert and Mary Patricia MacDonald

LOCATION OF SUBJECT SITE: 990 Villa Vista Road

|                    | LOT | SECTION | D.L. | TOWNSHIP | DISTRICT | PLAN  |
|--------------------|-----|---------|------|----------|----------|-------|
| LEGAL DESCRIPTION: | 2   | 23      |      | 526      | ODYD     | 15939 |

### SCOPE OF APPROVAL

- This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- Applicants for a Development Permit and/or Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

### 1. TERMS AND CONDITIONS:

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

Section 13.1.6 (d): Development Regulations

To vary the south side yard setback from 2.0m permitted to 0.73m proposed, as per Schedule 'A'.

AND FURTHER THAT a Building Permit for the addition and existing carport be applied for prior to the issuance of the Development Variance Permit.

### 3. DEVELOPMENT:

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

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

**THIS Permit IS NOT A BUILDING Permit.**

4. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A.
- (b) A Certified Cheque in the amount of N/A
- (c) An Irrevocable Letter of Credit in the amount of N/A

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

5. APPLICANT'S AGREEMENT:

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

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

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Planning & Development Services.

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

**I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.**

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE 26<sup>th</sup> DAY OF MARCH, 2013.

ISSUED BY THE ACTING GENERAL MANAGER OF COMMUNITY SUSTAINABILITY OF THE CITY OF KELOWNA THE \_\_\_\_ DAY OF MARCH, 2013.

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Doug Gilchrist  
A. General Manager, Community Sustainability