

**City of Kelowna
Regular Council Meeting
AGENDA**



Monday, September 15, 2014
1:30 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

This meeting is open to the public and all representations to Council form part of the public record. A live audio feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes

4 - 6

Regular PM Meeting - September 8, 2014

3. Public In Attendance

3.1 Presentation of International Award

To present Council with the 2014 International Award for the Bernard Avenue Revitalization Project

4. Development Application Reports & Related Bylaws

4.1 Official Community Plan Amendment Application No. OCP14-0012 & Rezoning Application No. Z14-0025 - 1650 KLO Road, Danco Developments Ltd.

7 - 26

To consider Staff recommendation not to amend the Official Community Plan Future Land Use Designation and not to rezone a portion of the subject property in order to accommodate the development of a small lot single family subdivision.

4.2 Heritage Revitalization Agreement HRA14-0001 - 2056 Pandosy Street, Alan Monk & Diana Monk

27 - 29

To rescind a Heritage Revitalization Agreement (HRA) on the subject property in order to eliminate the commercial uses identified in the HRA and restore the residential use of the property through the underlying RU1 zone.

4.2.1 Bylaw No. 11002 - Repeal Heritage Revitalization Agreement

30 - 30

Authorization Bylaw No. 8753 - 2056 Pandosy Street

To give Bylaw No. 11002 first reading.

- 4.3 Official Community Plan Amendment Application No. OCP14-0017 & Rezoning Application No. Z14-0032 - Abbott Street and Walnut Street, City of Kelowna 31 - 38

To rezone and to amend the Official Community Plan (OCP) the subject properties from residential land uses to park uses

- 4.3.1 Bylaw No. 11003 (OCP14-0017) - 3020, 3030, 3040, 3050, 3060, 3070, & 3080 Abbott Street and (W of) Cedar Avenue, 3090, 3096, & 3098 Walnut Street and 252 Meikle Avenue, City of Kelowna 39 - 40

To give Bylaw No. 11003 first reading in order to change the future land use designation from MXR - Mixed Use Residential/Commercial Designation to the Park - Major Park and Open Space Designation.

- 4.3.2 Bylaw No. 11004 (Z14-0032) - 3020, 3030, 3040, 3050, 3060, 3070, & 3080 Abbott Street and (W of) Cedar Avenue, 3090, 3096, & 3098 Walnut Street and 252 Meikle Avenue, City of Kelowna 41 - 42

To give Bylaw No. 11004 first reading in order to rezone the subject properties from the RU1 - Large Lot Housing zone to the P3 - Parks and Open Space zone; and the RU3 - Small Lot Housing zone to the P3 - Parks and Open Space zone.

5. Bylaws for Adoption (Development Related)

- 5.1 Bylaw No. 10980 (OCP14-0014) - Amendment to Chapter 4 - Future Land Use for a new Health District (HLTH) Designation 43 - 44

Requires a majority of all members of Council (5).

To adopt Bylaw No. 10980 in order to change the future land use designation by adding a new Health District designation.

- 5.2 Bylaw No. 10981 (TA14-0010) - Text Amendment to City of Kelowna Zoning Bylaw No. 8000 45 - 49

To adopt Bylaw No. 10981 in order to amend the City of Kelowna Zoning Bylaw No. 8000 to add the HD3 - Health Services Zone.

6. Non-Development Reports & Related Bylaws

- 6.1 Thomson Farm Lease 50 - 59

To approve a lease of City-owned farm land at 4125 Gordon Drive (the Lease Lands, as shown in Schedule A) to Colin Thomson for a term of ten (10) years with two (2) - five (5) year renewal terms.

- 6.2 Proposed Road Closure - Portion of Laneway between St. Paul and Richter 60 - 62

Streets

The closed road is to be consolidated with the adjacent properties to create one large contiguous site for the future protective services building. A statutory right of way to protect public utilities within the road closure area will be registered concurrently.

- 6.2.1 Bylaw No. 10932 - Road Closure and Removal of Highway Dedication Bylaw - Portion of Laneway between St. Paul and Richter Streets 63 - 64

To give Bylaw No. 10932 first, second and third readings in order to permanently close and remove the highway dedication of a portion of laneway between St. Paul Street and Richter Street.

7. Bylaws for Adoption (Non-Development Related)

- 7.1 Bylaw No. 10985 - Amendment No. 21 to City of Kelowna Sign Bylaw No. 8235 65 - 67

To adopt Bylaw No. 10985 in order to amend City of Kelowna Sign Bylaw No. 8235.

8. Mayor and Councillor Items

9. Termination



City of Kelowna Regular Council Meeting Minutes

Date: Monday, September 8, 2014
 Location: Council Chamber
 City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann

Staff Present Acting City Manager, Jim Gabriel; City Clerk, Stephen Fleming; Urban Planning Manager, Ryan Smith*; Long Range Policy Planning Manager, James Moore*; Planner Specialist, Graham March*; and Council Recording Secretary, Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the meeting to order at 1:32 pm.

Mayor Gray advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes

Moved By Councillor Given/Seconded By Councillor Blanleil

R634/14/09/08 THAT the Minutes of the Regular Meeting of August 25, 2014 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1. Text Amendment Application No. TA14-0012 - Proposed Zoning Bylaw Text Amendment to the RU3 Zone

Staff:

- Displayed a Power Point presentation summarizing the application.

Moved By Councillor Hobson/Seconded By Councillor Given

R635/14/09/08 THAT Zoning Bylaw Text Amendment No. TA14-0012 to amend City of Kelowna Zoning Bylaw No. 8000 by amending Section 13.3 RU3 - Small Lot Housing as outlined in Schedule 'A', be considered by Council;

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

Carried

3.1.1. Bylaw No. 11001 (TA14-0012) - Text Amendment to City of Kelowna Zoning Bylaw No. 8000

Moved By Councillor Singh/Seconded By Councillor DeHart

R636/14/09/08 THAT Bylaw No. 11001 be read a first time.

Carried

3.2. Rezoning Application No. Z13-0021, Extension Request - 459 Groves Avenue and 437 & 443 Newsom Avenue

Staff:

- Displayed an overhead site map identifying the properties subject to the application.

Moved By Councillor Stack/Seconded By Councillor Blanleil

R637/14/09/08 THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10864 (OCP13-0013) and Amending Bylaw No. 10865 (Z13-0021), Lot 14, District Lot 14, ODYD, Plan 3856, except Plan KAP90797, located at 459 Groves Avenue, Kelowna, BC; Lot 11 Block 2, District Lot 14, ODYD, Plan 4743, except Plan KAP90797, located at 437 Newsom Avenue, Kelowna, BC and Lot 19, District Lot 14, ODYD, Plan 3856, except Plan KAP90797, located at 442 Newsom Avenue, Kelowna, BC be extended from July 30, 2014 to July 30, 2015;

AND FURTHER THAT Council direct staff not to accept any further extension requests.

Carried

4. Bylaws for Adoption (Development Related)

4.1. Bylaw No. 10986 (TA14-0007) - Amendments to Carriage House and Accessory Building Regulations

Moved By Councillor Singh/Seconded By Councillor DeHart

R638/14/09/08 THAT Bylaw No. 10986 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1. Official Community Plan Indicators Report 2014

Staff:

- Displayed a Power Point presentation summarizing the OCP indicators and responded to questions from Council.

Moved By Councillor Hobson/Seconded By Councillor Stack

R639/14/09/08 THAT Council receives for information the report from the Planner Specialist, dated July 14, 2014 with respect to the Official Community Plan Annual Indicators Report 2014.

Carried

6. Mayor and Councillor Items

Councillor Given:

- Congratulated the Kelowna Fire Department for the successful community open house event, also to the Salvation Army for cooking breakfast at the Open House.
- BC Thanksgiving Food Bank Drive will start mid month and encouraged the community to participate.

Councillor Stack:

- Travelled to Southern California where they are experiencing an extreme drought which was a reminder that it is imperative to plan for a drought before it occurs.

Councillor DeHart:

- Spoke to her attendance, on behalf of Council, at the Ovarian Cancer Walk.
- Spoke to her attendance, along with the Mayor, at the Heart of Gold fundraiser for KGH.

Councillor Blanleil:

- Confirmed press release that he will not be running for re-election in November and reflected on his 21 years on Council.

Councillor Basran:

- Encouraged the community to participate in the Annual Blood Drive.

Mayor Gray:

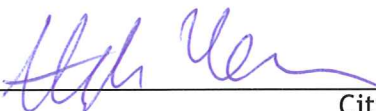
- Spoke to his hope that an Art Walk will be created in Kelowna.

7. Termination

This meeting was declared terminated at 2:12 p.m.

Mayor

/acm



City Clerk

REPORT TO COUNCIL



Date: August 25, 2014
RIM No. 1250-30
To: City Manager
From: Subdivision, Agriculture & Environment Services, Community Planning and Real Estate (DB)
Application: OCP14-0012/ Z14-0025 **Owner:** Danco Developments Ltd.
Address: 1650 KLO Rd **Applicant:** Protech Consultants Ltd.
Subject: OCP amendment and Rezoning application

Existing OCP Designation: Resource Protection Area (REP)
Proposed OCP Designation: Single / Two Unit Residential (S2RES)
Existing Zones: RR3 - Rural Residential 3
Proposed Zones: RU3 - Small Lot Housing

1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP14-0012 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of part of Lot 3 District Lot 131 ODYD Plan KAP77109 from the Resource Protection Area (REP) to Single/Two Unit Residential NOT be considered by Council;

AND THAT Rezoning Application No. Z14-0025 to amend the City of Kelowna Zoning Bylaw No.8000 by changing the zoning classification of part of Lot 3 District Lot 131 ODYD Plan KAP77109 from the RR3- Rural Residential 3 to RU3 - Small Lot Housing NOT be considered by Council.

2.0 Purpose

To consider Staff recommendation not to amend the Official Community Plan Future Land Use Designation and not to rezone a portion of the subject property in order to accommodate the development of a small lot single family subdivision.

3.0 Subdivision, Agriculture and Environment Services comments

As previously discussed by staff in the Application for Exclusion from the ALR, the City of Kelowna is a mosaic of land uses with random transitions from urban to rural land uses. The varied impact of agricultural activities including but not limited to noise, smell, eroding soils, chemical application are not appreciated by residents not engaged in agriculture practices. Additionally is the concern with the loss of farm land to Urban uses with Agricultural land viewed as an affordable alternative to land that is already designated for urban use. Both of the above mentioned concerns were raised by the ALC through their consideration of the ALR exclusion application.

A section of the subject property bordering the proposed Burtch Road extension was successfully excluded from the ALR and subsequently rezoned to RR3 to facilitate a two lot subdivision. Staff supported the rezoning to facilitate the two lot split based on proposed agricultural improvements associated with the ALR exclusion. Staff felt that an RR3 rural residential lot would act as a reasonable buffer between intensive urban and agricultural land uses in order to limit interface problems as discussed above.

The proposal to further rezone a portion of the subject property bordering the proposed Burtch Rd extension to RU3 is a significant departure from OCP Policy direction which is to protect and enhance local agriculture, direct urban uses to lands within the urban portion of the Permanent Growth Boundary and that complementary agricultural uses such as urban agriculture should be the urban-rural interface that acts as a transition between urban development and farming operations. Furthermore this application triggers an amendment to the Permanent Growth Boundary (PGB) and, if approved, this would be the first amendment to the Permanent Growth Boundary that results in new urban development on the periphery of the PGB. In addition, adding the 14 residential lots would significantly increase the potential for agricultural nuisance problems.

In response to some of the concerns raised above, the proposed development is being designed with a 3 m vegetative strip which, together with the proposed rear lane, would act as a 10 m wide buffer between the urban and agricultural land uses. The applicant also shows garage orientation facing east with living space on the west side to further mitigate interface challenges.

4.0 Proposal

4.1 Project Background

2007/2008

- Request for exclusion received by the City of Kelowna.
 - Stated intent was multi-family residential use (e.g. "RM5 Zoning, similar to The Verve on Glenmore Rd").
- Agricultural Advisory Committee (AAC) did not support the proposed exclusion.
 - The need to retain agricultural land within the City cited as the primary reason for non-support.
 - Burtch Road marks a defensible boundary between urban and rural/agricultural uses and the boundary should be preserved.
 - The boundary would be weakened through approval of this exclusion and would result in an undesirable precedent.

- The land has good potential for arable agriculture, provided the drainage of the land is improved.
- City staff did not support the proposed exclusion.
 - Shared all of the AAC's concerns.
- Council elected to forward the application to the ALC with "No Comment".
- ALC rejected the application as the applicant had not met the ALC's notification requirements.
- Proposal reconsidered by Council following proper advertising and this time supported.
- ALC refused the proposed exclusion (see Resolution #760/2008, attached).
 - Concluded that exclusion could "raise the potential that farm/residential conflicts will arise about smells, noise and spraying".
 - Exclusion would "raise expectations that land use change is imminent".
 - "Burtch Road represents a defensible boundary between urban and agricultural uses and the land is suitable for agricultural development".
 - "Concerned that exclusion and residential development of this property would signal to Kelowna's development community that the Commission might support excluding the remaining farmlands fronting onto KLO and Benvoulin Roads".

2010

- First reconsideration requested of the ALC (bases on new evidence submitted, i.e. landfilling) by the owner and which led to Resolution #2382/2010.
 - ALC authorized partial exclusion (0.7ha north of the irrigation ditch) of the original 2.0 ha requested subject to the following conditions:
 - the rehabilitation of debilitated portions of the 1.3 ha remainder;
 - the erection of a 2 metre high chain link fence along the north, south and east boundaries of the 0.7 ha excluded area and fencing the westerly and southerly edge of the remainder;
 - the planting of a cedar hedge along the south and east boundary (minimum 1 meter high trees along the inside of the fence); and,
 - residential building setbacks of 10 meters from the south property boundary.
- Reconsideration of the orientation of the 0.7 ha exclusion requested and which led to Resolution #2382A/2010.
 - ALC authorized new north/south orientation requested subject to the following additional condition:
 - Registration of a covenant prohibiting residential structures within 10 meters of the east and north property boundary and prohibiting structures taller than two storeys.

2011

- Third reconsideration requested of the ALC (re: height limitation).
 - ALC authorized 3 storey structure subject to the following additional conditions:
 - a 16.74 metre setback from the east property line; and
 - remediation of the 1.3 ha remainder to a crop standard (not merely forage crops).

2012

- Request to rezone the subject property from A1 to RR1 and RR3.
 - Supported by staff based on the conditions of the proposed exclusion from the ALC.
 - Eastern section successfully rezoned to RR1 and remain in the ALR.
 - Western section successfully rezoned to RR3 and excluded from the ALR.

4.2 Project Description

The subject property is located on KLO Road, immediately east of the proposed Burtch Road extension. The property is bound on the east, north, and south by properties having ALR status. The City of Kelowna’s OCP designates the future land use of the subject property as Resource Protection Area (REP).

The subject property is adjacent to a number of agriculturally zoned properties. However, as the subject property is on the fringe of the ALR, land uses such as public, institutional and a variety of residential designations are also found in the area. The existing parcel does not have any structures and it has been vacant for many years and is not being farmed.

Parcel Summary:

Parcel Size: 1.97 ha (4.86 ac)
 Elevation: 350 m

Subject Property Map



The subject property is located north of KLO Road and east of Burtch Road. The surrounding properties are zoned as follows:

Direction	Zoning	ALR	Land Use
North	A1 - Agriculture 1	Yes	Munson Pond/Future Park
South	A1 - Agriculture 1	No	Rural Residential
East	A1- Agriculture 1	Yes	Agricultural
West	RM4 - Transitional Low Density Housing	No	Multi-family Residential

5.0 Current Development Policies

2.1 Zoning Bylaw 8000

Section 7.6.1 Minimum Landscape Buffers¹

A landscape buffer is required for all land abutting ALR land where non-farm uses exist. The minimum buffer shall be 3.0m wide and include an opaque barrier immediately adjacent to the boundary(s) abutting the ALR on the urban side of the property. This standard may be replaced or modified as a result of conditions of a decision by the Land Reserve Commission. The buffer area shall not be included in the required setback for Rural and Urban Residential zones.

2.2 2030 Official Community Plan: Greening Our Future

Objective 5.33 Protect and enhance local agriculture².

Policy .1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

Policy .4 Transition Uses. Consider complementary agricultural land uses such as urban agriculture (as defined in the Zoning Bylaw) along the urban-rural interface that act as a transition between existing urban development and farming operations.

Policy .8 Subdivision. Maximize potential for the use of farmland by not allowing the subdivision of agricultural land into smaller parcels (with the exception of Homesite Severances approved by the ALC) except where significant positive benefits to agriculture can be demonstrated.

6.0 Technical Comments

Agricultural Advisory Committee

Buffer is required in accordance with the Guide to Edge Planning (Ministry of Agriculture & Lands, 2009).

¹ City of Kelowna Zoning Bylaw - Section 7 - Landscaping and Screening; p. 7-5.

² City of Kelowna Official Community Plan - Chapter 5 - Development Process; pp. 5.33 & 5.34.

Building & Permitting

This is an area of high ground water, please have the geotechnical engineer address water related issues that could occur with this density.

I-Plan - Parks and Public Places

Post and rail fencing, located 6" inside the private property line, will be required along the northern property line which is shared with undeveloped Munson Pond Park. This post and rail fencing will be constructed to City Standards. Construction detail has been forwarded to subdivision file manager.

7.0 Alternate Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP14-0012 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of part of Lot 3 District Lot 131 ODYD Plan KAP77109 from the Resource Protection Area (REP) to Single/Two Unit Residential be considered by Council;

AND THAT Rezoning Application No. Z14-0025 to amend the City of Kelowna Zoning Bylaw No.8000 by changing the zoning classification of part of Lot 3 District Lot 131 ODYD Plan KAP77109 from the RR3- Rural Residential 3 to RU3 - Small Lot Housing be considered by Council.

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the Report of the Subdivision, Agriculture & Environment Services, dated August 25, 2014.

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

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

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

Application Chronology

Date of Application Received:	January 22, 2014
Public Notification Received:	February 11, 2014

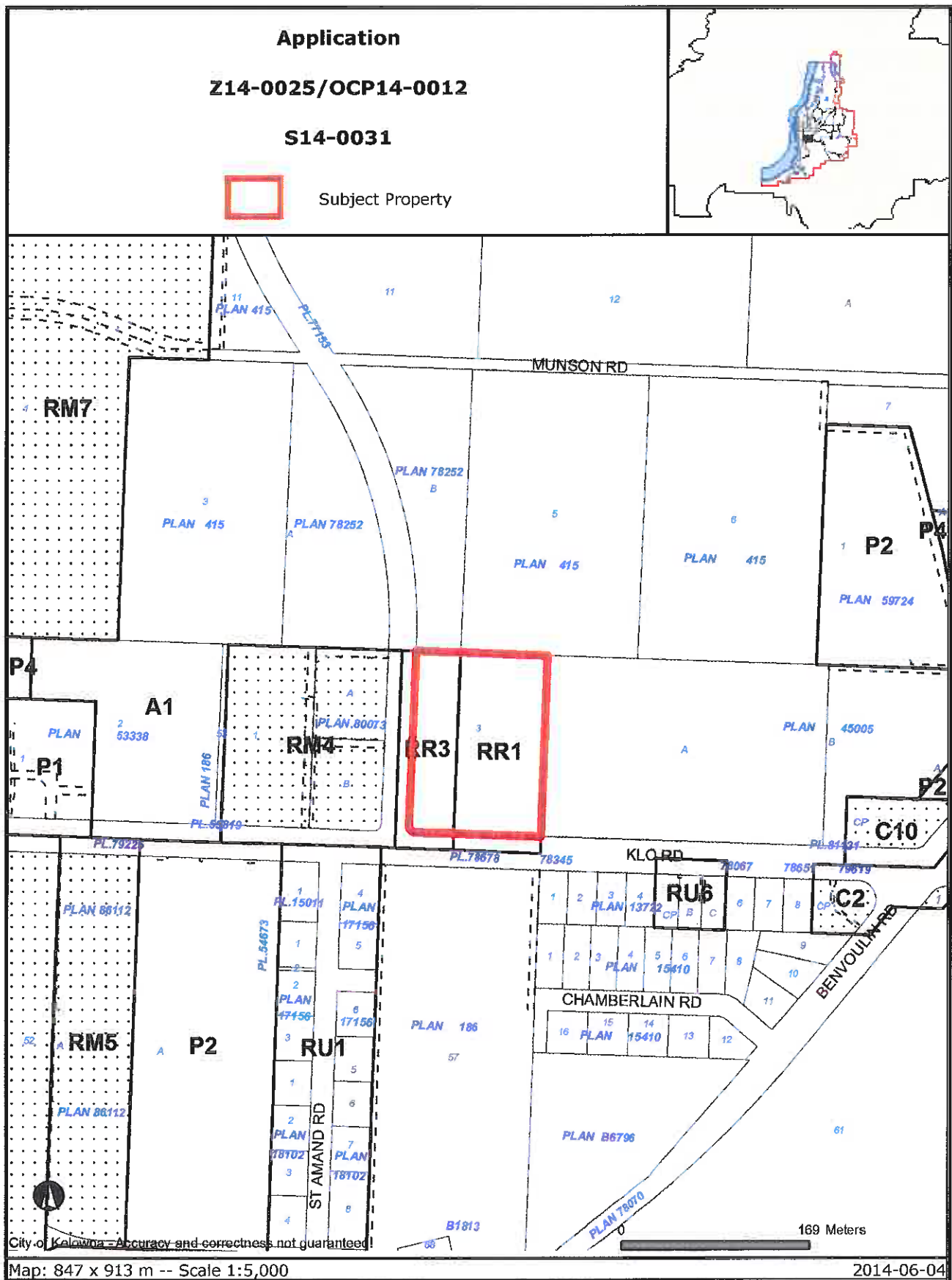
Report prepared by:

Damien Burggraeve, Land Use Planner

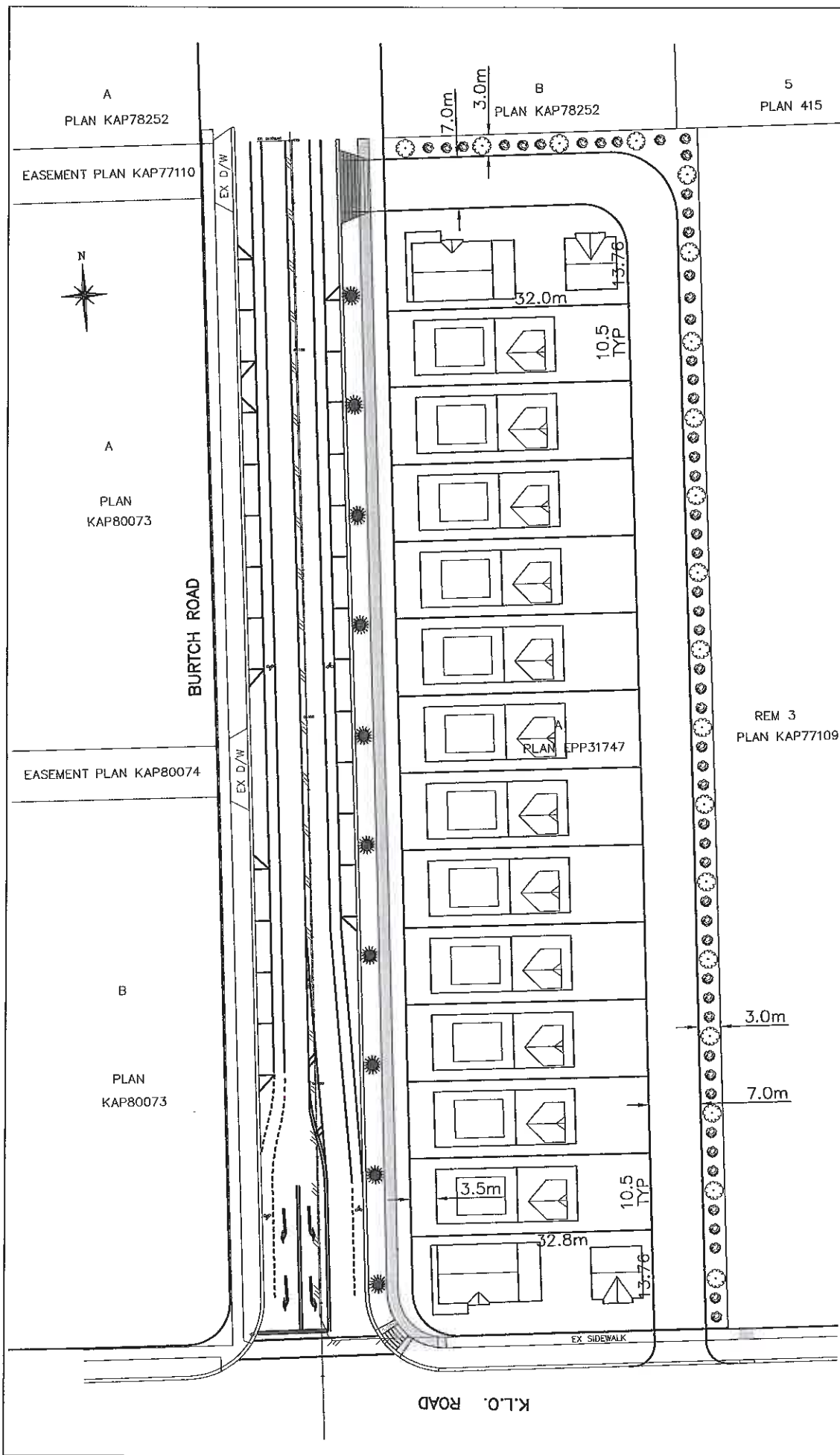
Approved for Inclusion: Shelley Gambacort, Subdivision, Agriculture & Environment

Attachments:

Subject Property Map
Subdivision Layout
Development Engineering Requirements
Public Consultation
Relevant Policies



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.



PROPOSED PLAN OF SUBDIVISION
 LOT A PLAN EPP31747

REM 3
 PLAN KAP77109

PROTECH
 CONSULTING 2012
 200-1467 St. Paul Street, Vienna, D.C.
 PHONE 800-1771
 FAX 800-1974

CITY OF KELOWNA
MEMORANDUM

Date: July 10, 2014
File No.: Z14-0025
To: Urban Planning (DB)
From: Development Engineering Manager (SM)
Subject: 1650 KLO Road RR3 to RU3

Development Engineering has the following comments and requirements associated with this application.

1. General

Road frontage improvements are triggered by rezoning application Z12-0065. The requirements include curb and gutter, storm drainage system and pavement widening. Also required is a landscaped boulevard, street lighting and the re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The cost of this construction is at the applicant's expense and has entered into a Servicing Agreement with the City of Kelowna.

The proposed rezoning includes the subject parcel being subdivided into 14 lots. A subdivision application will require service upgrades that include the installation of additional services. The work will require road cuts and boulevard and pavement restoration. Development Engineering is prepared to defer the requirements of the rezoning to the subdivision stage.

Steve Muenz, P. Eng.
Development Engineering Manager

SS

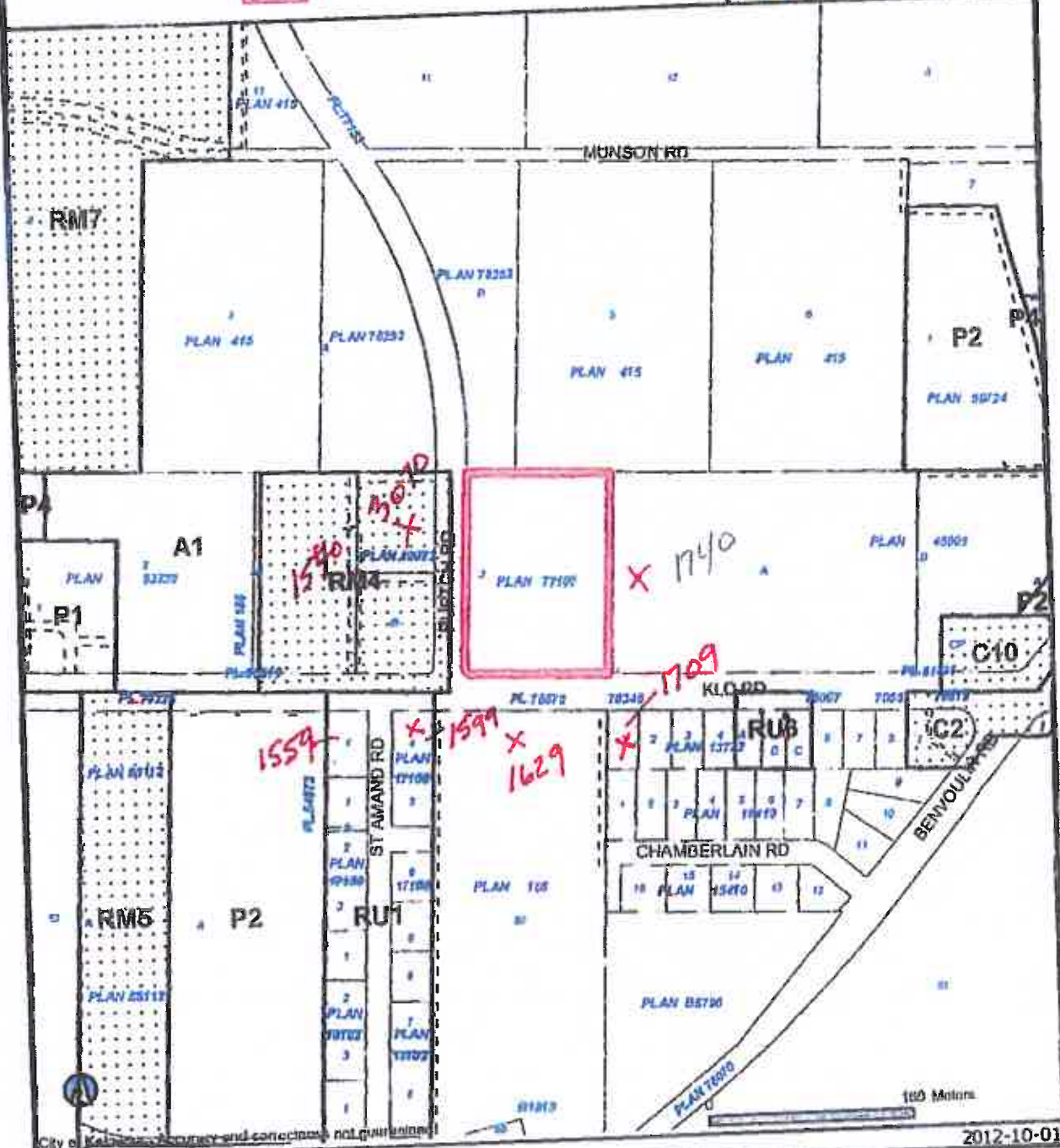
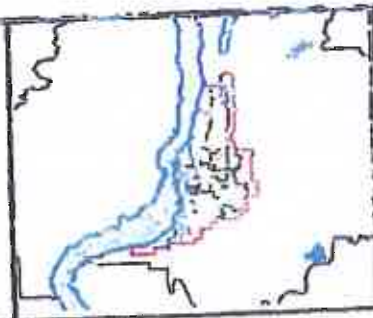
Application

Z12-0065

S12-0055



Subject Property



City of Kelowna. Accuracy and correctness not guaranteed.

2012-10-01

Map: 847 x 913 m -- Scale 1:5,000

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.

http://kelintranctd/servlet/com.esri.esrimap.Esrimap?ServiceName=Overview_Map&Clie... 2012-10-01

August 25, 2014
File 8059

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

Attention: Mr. Damien Burggraefe

Dear Sir:

Re: Proposed OCP and Rezoning Amendment
Lot A, Plan EPP31747 from RR-3 to RU-3, Small Lot Housing

I am the owner/occupier of the property at 1629 KLO Road and I have reviewed the proposed rezoning to RU-3, Small Lot Housing and the proposed 14 lot subdivision.

<input checked="" type="checkbox"/>	I have no objection to the proposed Rezoning
<input type="checkbox"/>	I have no comment to the proposed Rezoning
<input type="checkbox"/>	I am not in favor of the Rezoning

Owner/Occupier

A. Leung
Signature (Please Print Name)

BETTER EARTH
LANDSCAPE SUPPLY

August 25, 2014
File 8059


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

Attention: Mr. Damien Burggraeve

Dear Sir:

Re: Proposed OCP and Rezoning Amendment
Lot A, Plan EPP31747 from RR-3 to RU-3, Small Lot Housing

I am the owner/occupier of the property at 1559 KLO Road and I have reviewed the proposed rezoning to RU-3, Small Lot Housing and the proposed 14 lot subdivision.

	<input checked="" type="checkbox"/> I have no objection to the proposed Rezoning
<input type="checkbox"/>	<input type="checkbox"/> I have no comment to the proposed Rezoning
<input type="checkbox"/>	<input type="checkbox"/> I am not in favor of the Rezoning

Owner/Occupier


Signature (Please Print Name)

August 25, 2014
File 8059

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

Attention: Mr. Damien Burggraeve

Dear Sir:

Re: Proposed OCP and Rezoning Amendment
Lot A, Plan EPP31747 from RR-3 to RU-3, Small Lot Housing

I am the owner/occupier of the property at 1740 KLO Road and I have reviewed the proposed rezoning to RU-3, Small Lot Housing and the proposed 14 lot subdivision.

<input checked="" type="checkbox"/>	I have no objection to the proposed Rezoning
<input type="checkbox"/>	I have no comment to the proposed Rezoning
<input type="checkbox"/>	I am not in favor of the Rezoning

Owner/Occupier


Signature (Please Print Name)

WILLIAM BERARD

GOOD IDEA IT WILL CLEAN UP THE AREA!



August 25, 2014
File 8059

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

Attention: Mr. Damien Burggraeve

Dear Sir:

Re: Proposed OCP and Rezoning Amendment
Lot A, Plan EPP31747 from RR-3 to RU-3, Small Lot Housing

I am the owner/occupier of the property at 1599 KLO Road and I have reviewed the proposed rezoning to RU-3, Small Lot Housing and the proposed 14 lot subdivision.

<input checked="" type="checkbox"/>	I have no objection to the proposed Rezoning
<input type="checkbox"/>	I have no comment to the proposed Rezoning
<input type="checkbox"/>	I am not in favor of the Rezoning

Owner/Occupier



Signature (Please Print Name)

August 25, 2014
File 8059

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

Attention: Mr. Damien Burggraeve

Dear Sir:

Re: Proposed OCP and Rezoning Amendment
Lot A, Plan EPP31747 from RR-3 to RU-3, Small Lot Housing

I am the owner/occupier of the property at 1540 KLO Road and I have reviewed the proposed rezoning to RU-3, Small Lot Housing and the proposed 14 lot subdivision.

<input checked="" type="checkbox"/>	I have no objection to the proposed Rezoning
<input type="checkbox"/>	I have no comment to the proposed Rezoning
<input type="checkbox"/>	I am not in favor of the Rezoning

Owner/Occupier

Marleen Hathaway

Signature (Please Print Name)

Marleen Hathaway

Site Manager

Mountainview Village Good Samaritan Society.

August 25, 2014
File 8059

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

Attention: Mr. Damien Burggraefe

Dear Sir:

Re: Proposed OCP and Rezoning Amendment
Lot A, Plan EPP31747 from RR-3 to RU-3, Small Lot Housing

I am the owner/occupier of the property at 3070 Burch Road and I have reviewed the proposed rezoning to RU-3, Small Lot Housing and the proposed 14 lot subdivision.

<input checked="" type="checkbox"/>	I have no objection to the proposed Rezoning
<input type="checkbox"/>	I have no comment to the proposed Rezoning
<input type="checkbox"/>	I am not in favor of the Rezoning

Owner/Occupier

Marloen Hathaway
Signature (Please Print Name)

Marloen Hathaway

Site Manager

Mountainview Village Good Samaritan Society

Farm Protection DP Guidelines¹

Objectives

- Protect farm land and farm operations;
- Minimize the impact of urban encroachment and land use conflicts on agricultural land;
- Minimize conflicts created by activities designated as farm use by ALC regulation and non-farm uses within agricultural areas.

Guidelines

1.1 On properties located adjacent to agricultural lands, design buildings to reduce impact from activities associated with farm operations. Design considerations include, but are not limited to maximizing the setback between agricultural land and buildings and structures, and reducing the number of doors, windows, and outdoor patios facing agricultural land;

1.2 On agricultural lands, where appropriate, locate all buildings and structures, including farm help housing and farm retail sales, within a contiguous area (i.e. homeplate). Exceptions may be permitted where the buildings or structures are for farm use only;

1.3 On agricultural and non-agricultural lands, establish and maintain a landscape buffer along the agricultural and/or property boundary, except where development is for a permitted farm use that will not encourage public attendance and does not concern additional residences (including secondary suites), in accordance with the following criteria:

1.3.1 Consistent with guidelines provided by Ministry of Agriculture “Guide to Edge Planning” and the ALC report “Landscape Buffer Specifications” or its replacement;

1.3.2 Incorporate landscaping that reinforces the character of agricultural lands. A majority of plant material selected should include low maintenance, indigenous vegetation;

1.3.3 Preserve all healthy existing mature trees located within the buffer area;

1.3.4 Integrate double rows of trees, including coniferous trees, and dense vegetation into the buffer;

1.3.5 Install and maintain a continuous fence along the edge of agricultural land. A permeable fence which allows for the movement of wildlife (i.e. split rail) in combination with dense and continuous evergreen hedge is preferred. Impermeable fencing will not be permitted.

1.4 On non-agricultural lands, design developments to protect the required landscape buffer from potential negative impacts related to on-site activities (i.e. drainage, recreational pathways, driveways);

1.7 Require statutory covenants on non-agricultural land at subdivision to notify landowners that “normal farm practices” occur in close proximity.

1.1 City of Kelowna Strategic Plan

Objective²: Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

¹ City of Kelowna 2030 Official Community Plan (2011) - Farm Protection Development Permit Chapter; p. 15.2 - 15.4.

² City of Kelowna Strategic Plan (2004); p. 7.

Action towards this objective³: Evaluate the effectiveness of City policies and bylaws in preserving agricultural lands.

1.2 City of Kelowna Agriculture Plan

Urban Buffers

New developments adjacent to agricultural areas will be required to establish appropriate setbacks, fencing and landscape buffers on urban lands, as noted above, to mitigate potential conflict. In addition, for developments other than single or two family residential uses, there should be consideration of appropriate site planning measures that locate access roads, storage areas, or other spaces between agricultural lands and proposed buildings or public use areas.

In addition to the requirements for landscape buffers and fencing, it would be appropriate to consider the need for a covenant registered on the title, as part of the subdivision approval, that advises prospective buyers and land owners of the potential impacts of living near farm operations and conditions of the Farm Practices Protection (Right to Farm) Act. It may also be appropriate to support amendments to the Real Estate Act that requires disclosure to prospective buyers of these same conditions.

1. Defined Urban - Rural/Agricultural Boundary. Confirm support for the Agricultural Land Reserve and establish a defined urban - rural/agricultural boundary, as indicated on Map 14 - Urban - Rural/Agricultural Boundary, utilizing existing roads, topographic features, or watercourses wherever possible;

2. Farmland Preservation. Direct urban uses to land within the urban portion of the defined urban - rural / agricultural boundary, in the interest of reducing development and speculative pressure, toward the preservation of agricultural lands and discourage further extension of existing urban areas into agricultural lands;

4. Landscape Buffer Specifications and Fencing Specifications. Amend the Zoning Bylaw to include setbacks and landscape buffer and fencing requirements consistent with the Land Commission specifications, with consideration for minimum setback requirements at standard road or half road widths to support the potential need for future road, park, or public access corridors;

5. Bonding. Require the provision of bonding for landscape buffer and fencing requirements adjacent to agricultural lands at the time of rezoning, subdivision, and/or building permit, in accordance with the Municipal Act;

6. Urban Buffers. Require new development, adjacent to agricultural areas, to establish setbacks, fencing and landscape buffers on the urban side of the defined urban - rural/agricultural boundary;

7. Site Planning Measures. Consider the use of site planning measures such as locating internal access roads, storage areas, or other appropriate spaces between agricultural lands and proposed buildings or public use areas, for developments requiring a Development Permit;

8. Covenants. Consider the need for a covenant registered on the title, as part of a subdivision approval, that advises prospective buyers and land owners of the potential impact of living near farm operations and the conditions of the Farm Practices Protection (Right to Farm) Act;

³ City of Kelowna Strategic Plan (2004); p. 29.

12. Parcel Size: Agricultural Land. Discourage the subdivision of agricultural land into smaller parcels, except where positive benefits to agriculture can be demonstrated.

Based on this information, the property should not have been eligible for an HRA as it does not have the required level of heritage recognition and it is not possible to amend the agreement to add additional uses to the HRA. Staff have recommended that the HRA be dissolved and the property revert back to the residential uses identified in the RU1 zone as supported by the Heritage Design Guidelines and the Official Community plan. This is what the current owner wishes to do.

Further, the HRA was adopted by Council but never registered on title and therefore the current owner was not aware of the office use restriction.

4.0 Proposal

4.1 Background

The Community Heritage Committee (CHC) will review the application at their meeting on September 4th 2014. In order to have no delay for the applicant this report had to be written prior to the CHC meeting date. This Council report was submitted September 3rd in order for first reading to occur on September 15th 2014 and public hearing to occur on October 7th 2014. Staff will provide an update to Council in their presentation regarding the CHC’s recommendation.

4.2 Project Description

The applicant wishes to convert the office space in their home to residential living space.




4.3 Site Context

The subject property is within Heritage Conservation area and is surrounded by a single family context with the predominant zoning classification as RU1 - Large Lot Housing zone. The subject property is designated as an ‘Early Suburban’ and the dominant block style is identified as ‘Arts & Crafts (late)’.

Subject Property Map: 2056 Pandosy St



Legend:

-  Heritage Conservation Area
-  Properties on the Kelowna Heritage Registry
-  Properties with a Heritage Revitalization Agreement

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

6.0 Technical Comments

None

7.0 Application Chronology

Date of Application Received: August 1st 2014

Report prepared by:

Adam Cseke, Planner

Reviewed by:

Lindsey Ganczar, Urban Planning Supervisor

Approved for Inclusion:

Ryan Smith, Urban Planning Manager

Attachments:

Attachments

Heritage Revitalization Agreement Authorization Bylaw

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

CITY OF KELOWNA

BYLAW NO. 11002

**Repeal Heritage Revitalization Agreement Authorization
Bylaw No. 8753 - 2056 Pandosy Street**

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

1. THAT Bylaw No. 8753 - Heritage Revitalization Agreement Authorization - 2056 Pandosy Street, and all amendments thereto, be repealed.
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

Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: 9/2/2014

RIM No. 1250-30

To: City Manager

From: Urban Planning, Community Planning & Real Estate (AC)

Application: Z14-0032 & OCP14-0017 **Owner:** City of Kelowna

- 3020, 3030, 3040, 3050, 3060, 3070, & 3080 Abbott Street

Address:

- (W OF) Cedar Ave
- 3090, 3096, & 3098 Walnut St
- 252 Meikle Ave

Applicant: City of Kelowna

Subject: Rezoning Application

Existing OCP Designation: MXR - Mixed Use (Residential / Commercial)

Proposed OCP Designation: PARK - Major Park and Open Space

Existing Zone: RU1 - Large Lot Housing & RU3 Small Lot Housing

Proposed Zone: P3 - Parks and Open Space

1.0 Recommendation

THAT Official Community Plan Amendment Application No. OCP14-0017 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of the subject properties described in Table 1 within Schedule "A" and shown on Map "A" from MXR - Mixed Use (Residential / Commercial) to PARK - Major Park and Open Space, as shown on Map "A" attached to the Report of Urban Planning Department dated September 2nd 2014, be considered by Council;

AND THAT Rezoning Application No. Z14-0032 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of the subject properties described in Table 2 within Schedule "A" and shown on Map "B" from the RU1 - Large Lot Housing zone to the P3 - Parks and Open Space, be considered by Council;

AND THAT Rezoning Application No. Z14-0032 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of the subject properties described in Table 3 within Schedule "A" and shown on Map "B" from the RU3 - Small Lot Housing zone to the P3 - Parks and Open Space, be considered by Council;

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

2.0 Purpose

To rezone and to amend the Official Community Plan (OCP) the subject properties from residential land uses to park uses.

3.0 Urban Planning

Staff support this OCP amendment and rezoning application. At the public Council meeting on June 23rd 2014, City of Kelowna Staff provided Council with an update on the design, financial implications, and timing considerations of Refined Option 1 for the Pandosy Waterfront Project. Refined Option 1 is the urban design generated by the Pandosy Waterfront charrette participants for City-owned lakefront property in the South Pandosy neighbourhood. Council provided the following resolution to Staff at the meeting:

‘AND THAT Council direct Staff to bring forward an Official Community Plan amendment and rezoning applications of twelve City-owned lakefront properties.’

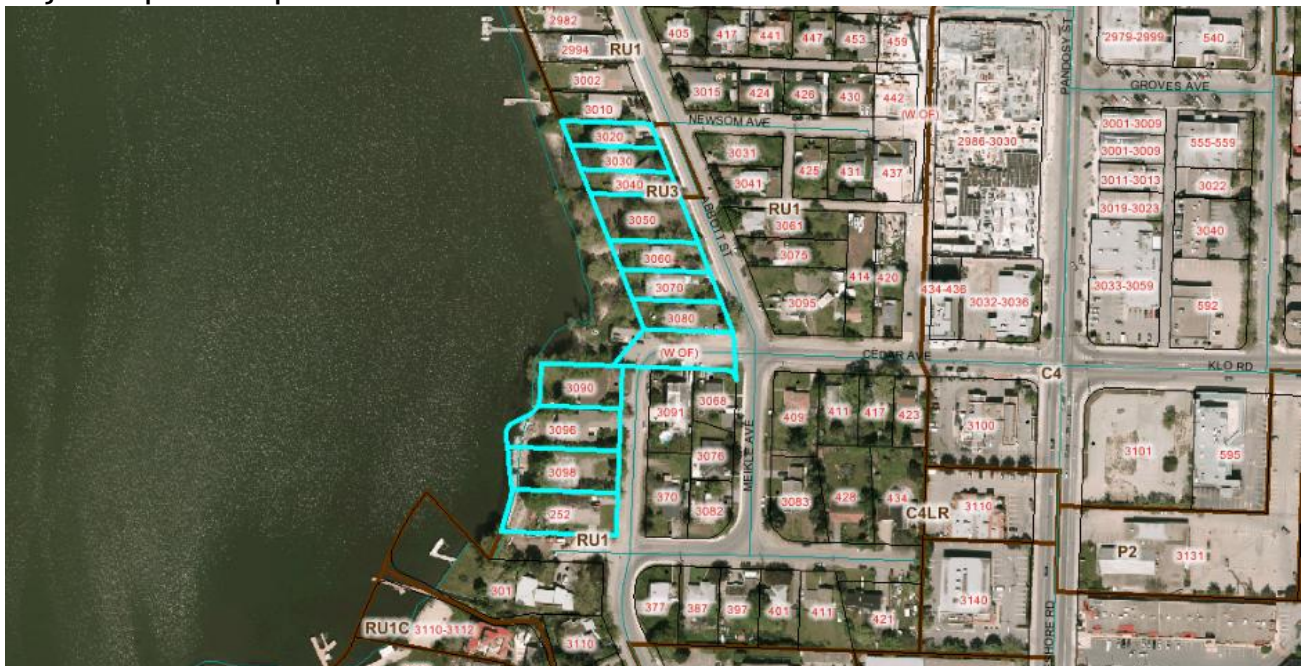
In fulfillment of Council Policy No. 367, Staff are considering the public consultation and notification requirements complete as the option for the future land use was generated through significant public consultation including use of the City’s online engagement tool, as well as a two-day charette with 30 community volunteers. The charette also included general public input with two public review sessions and an open house for a combined total of more than 360 attendees.

4.0 Proposal

4.1 Site Context

The subject properties currently contain a single detached dwelling or are vacant. The subject properties are surrounded by an RU1 zoned neighbourhood in the South Pandosy area.

Subject Properties Map



5.0 Technical Comments

5.1 Development Engineering Department

- The amendment to the future land use from RU1 to P3 does not compromise any municipal services (see attached letter).

6.0 Application Chronology

Date of Application Received: August 18th 2014
Date of Public consultation: n/a

Report prepared by:

Adam Cseke, Planner

Reviewed by: Ryan Smith, Urban Planning Manager

Approved for Inclusion: Doug Gilchrist, Div. Dir. of Community Planning & Real Estate

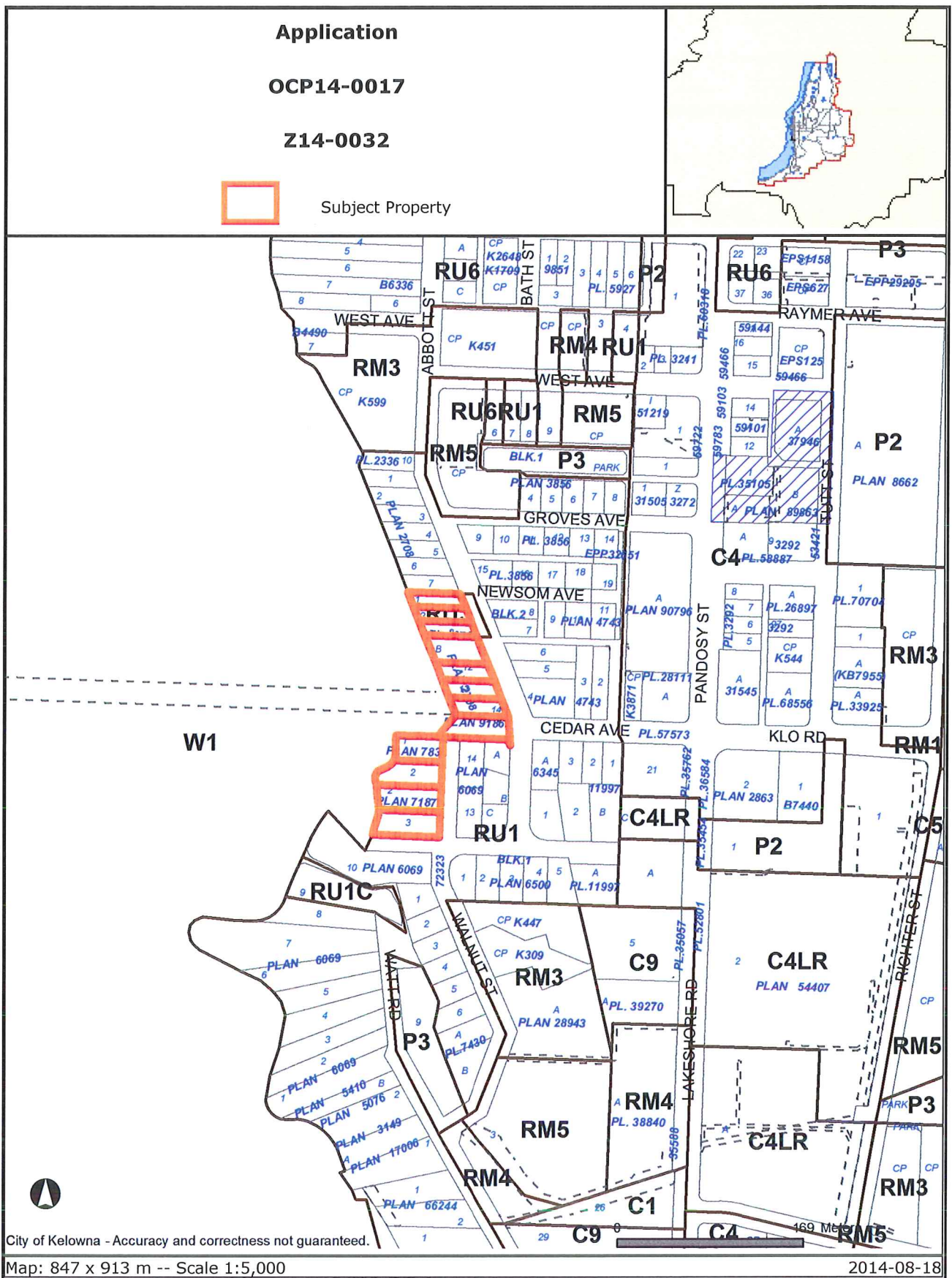
Attachments:

- Map "A" OCP Amendment Map
- Map "B" Proposed Zoning Map
- Development Engineering Comments

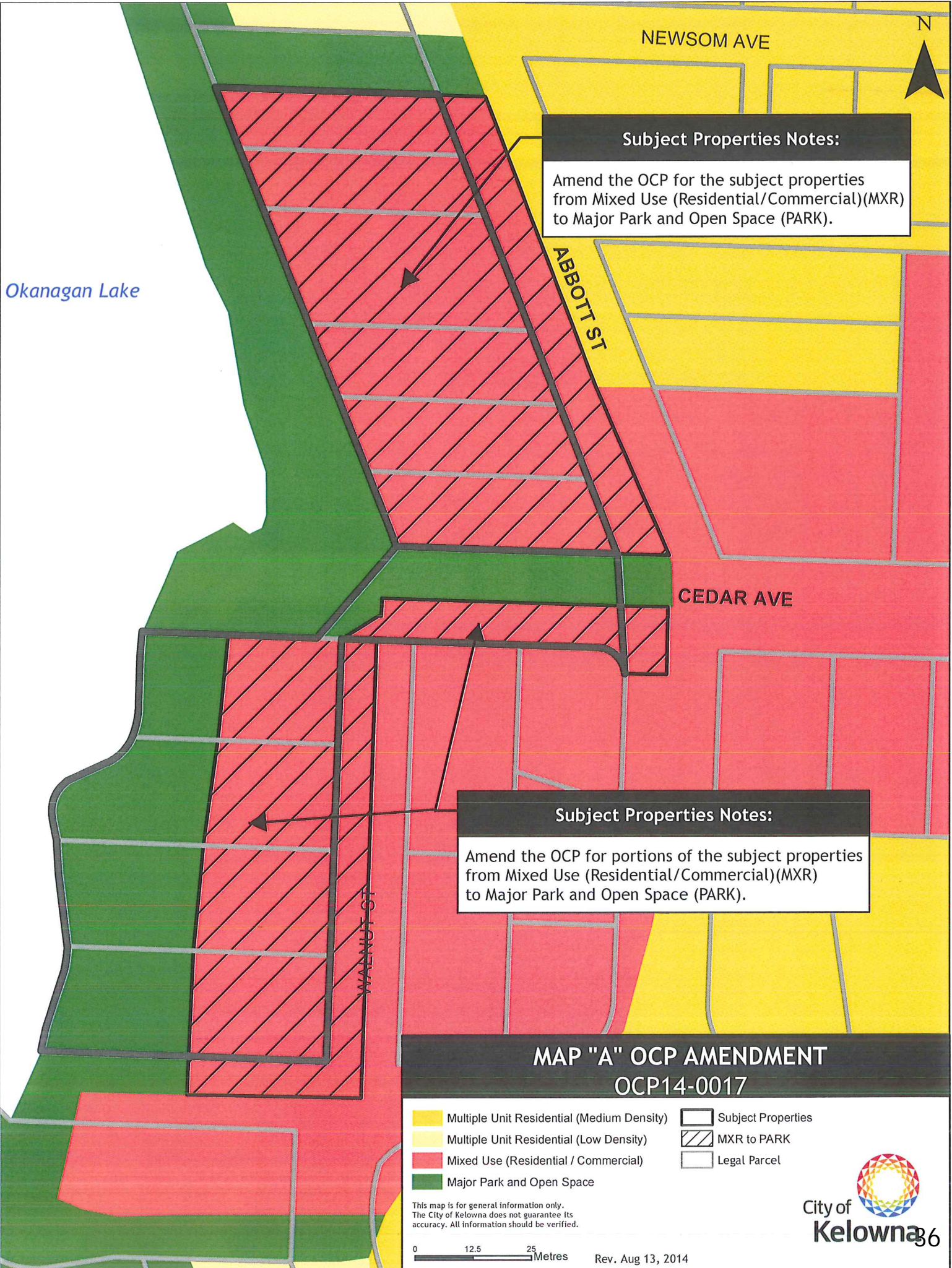
Table 1: List of Subject Properties	
Address	Legal
3020 Abbott Street	Lot 1, District Lot 14, ODYD, Plan KAP53240
3030 Abbott Street	Lot 2, District Lot 14, ODYD, Plan KAP53240
3040 Abbott Street	Lot 3, District Lot 14, ODYD, Plan KAP53240
3050 Abbott Street	Lot B, District Lot 14, ODYD, Plan 10727
3060 Abbott Street	Lot 12, District Lot 14, ODYD, Plan 2708
3070 Abbott Street	Lot 13, District Lot 14, ODYD, Plan 2708
3080 Abbott Street	Lot 14, District Lot 14, ODYD, Plan 2708
(W OF) Cedar Ave	That Part of District Lot 14, ODYD, Plan KAP91868
3090 Walnut Street	Lot 1, District Lot 14, ODYD, Plan 7832
3096 Walnut Street	Lot 2, District Lot 14, ODYD, Plan 7832
3098 Walnut Street	Lot 2, District Lot 14, ODYD, Plan 7187
252 Meikle Ave	Lot 3, District Lot 14, ODYD, Plan 7187

Table 2: List of Subject Properties	
Address	Legal
3050 Abbott Street	Lot B, District Lot 14, ODYD, Plan 10727
3060 Abbott Street	Lot 12, District Lot 14, ODYD, Plan 2708
3070 Abbott Street	Lot 13, District Lot 14, ODYD, Plan 2708
3080 Abbott Street	Lot 14, District Lot 14, ODYD, Plan 2708
(W OF) Cedar Ave	That Part of District Lot 14, ODYD, Plan KAP91868
3090 Walnut Street	Lot 1, District Lot 14, ODYD, Plan 7832
3096 Walnut Street	Lot 2, District Lot 14, ODYD, Plan 7832
3098 Walnut Street	Lot 2, District Lot 14, ODYD, Plan 7187
252 Meikle Ave	Lot 3, District Lot 14, ODYD, Plan 7187

Table 3: List of Subject Properties	
Address	Legal
3020 Abbott Street	Lot 1, District Lot 14, ODYD, Plan KAP53240
3030 Abbott Street	Lot 2, District Lot 14, ODYD, Plan KAP53240
3040 Abbott Street	Lot 3, District Lot 14, ODYD, Plan KAP53240



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



Subject Properties Notes:

Amend the OCP for the subject properties from Mixed Use (Residential/Commercial)(MXR) to Major Park and Open Space (PARK).

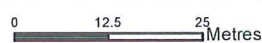
Subject Properties Notes:

Amend the OCP for portions of the subject properties from Mixed Use (Residential/Commercial)(MXR) to Major Park and Open Space (PARK).

**MAP "A" OCP AMENDMENT
OCP14-0017**

- Multiple Unit Residential (Medium Density)
- Multiple Unit Residential (Low Density)
- Mixed Use (Residential / Commercial)
- Major Park and Open Space
- Subject Properties
- MXR to PARK
- Legal Parcel

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



Rev. Aug 13, 2014





NEWSOM AVE

Subject Properties Notes:
Rezone the subject properties from RU3 Small Lot Housing to P3 Parks and Open Space.

ABBOTT ST

Okanagan Lake






CEDAR AVE

Subject Properties Notes:
Rezone the subject properties from RU1 Large Lot Housing to P3 Parks and Open Space.

WALNUT ST

MEIKLE AVE

MAP "B" PROPOSED ZONING
File #Z14-0032

-  Zoning
-  RU1 to P3
-  RU3 to P3
-  Subject Properties
-  Legal Parcel

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

0 12.5 25 Metres Rev. Aug 13, 2014



CITY OF KELOWNA
MEMORANDUM

Date: August 25, 2014
File No.: Z14-0032
To: Urban Planning (AC)
From: Development Engineering Manager (SM)
Subject: Abbott St/Cedar Ave/Walnut St Park RU1 to P3

Development Engineering comments and requirements regarding this application to rezone the subject properties from RU1 to P3 are as follows:

1. Subdivision.
 - a) Provide easements as may be required.
2. Domestic water and fire protection.
 - a) The existing lots are serviced with a water services which is adequate for this application.
3. Sanitary Sewer.
 - a) The existing lot is adequately serviced with 100mm sanitary services.
4. Road improvements.
 - a) The current road frontage meets the requirement of the requested zone; this application does not trigger any road upgrades.

Steve Muenz, P. Eng.
Development Engineering Manager

SS

CITY OF KELOWNA

BYLAW NO. 11003

Official Community Plan Amendment No. OCP14-0017 - City of Kelowna

3020, 3030, 3040, 3050, 3060, 3070 and 3080 Abbott Street, (W OF) Cedar Avenue,
3090, 3096 and 3098 Walnut Street and 252 Meikle Avenue

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 the subject properties as set out in Table 1 attached to and forming part of this bylaw, from the MXR - Mixed Use (Residential/Commercial) designation to the PARK - Major Park and Open Space designation;
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

Mayor

City Clerk

Table 1: List of Subject Properties	
Address	Legal
3020 Abbott Street	Lot 1, District Lot 14, ODYD, Plan KAP53240
3030 Abbott Street	Lot 2, District Lot 14, ODYD, Plan KAP53240
3040 Abbott Street	Lot 3, District Lot 14, ODYD, Plan KAP53240
3050 Abbott Street	Lot B, District Lot 14, ODYD, Plan 10727
3060 Abbott Street	Lot 12, District Lot 14, ODYD, Plan 2708
3070 Abbott Street	Lot 13, District Lot 14, ODYD, Plan 2708
3080 Abbott Street	Lot 14, District Lot 14, ODYD, Plan 2708
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3090 Walnut Street	Lot 1, District Lot 14, ODYD, Plan 7832
3096 Walnut Street	Lot 2, District Lot 14, ODYD, Plan 7832
3098 Walnut Street	Lot 2, District Lot 14, ODYD, Plan 7187
252 Meikle Ave	Lot 3, District Lot 14, ODYD, Plan 7187

CITY OF KELOWNA

BYLAW NO. 11004

Z14-0032 - City of Kelowna

**3020, 3030, 3040, 3050, 3060, 3070 and 3080 Abbott Street, (W OF) Cedar Avenue,
3090, 3096 and 3098 Walnut Street and 252 Meikle Avenue**

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 the subject properties as set out in Table 2 attached to and forming part of this bylaw from the RU1 - Large Lot Housing zone to the P3 - Parks and Open Space zone.
2. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of the subject properties as set out in Table 3 attached to and forming part of this bylaw from the RU3 - Small Lot Housing zone to the P3 - Parks and Open Space zone.
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

Table 2: List of Subject Properties

Address	Legal
3050 Abbott Street	Lot B, District Lot 14, ODYD, Plan 10727
3060 Abbott Street	Lot 12, District Lot 14, ODYD, Plan 2708
3070 Abbott Street	Lot 13, District Lot 14, ODYD, Plan 2708
3080 Abbott Street	Lot 14, District Lot 14, ODYD, Plan 2708
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3098 Walnut Street	Lot 2, District Lot 14, ODYD, Plan 7187
252 Meikle Ave	Lot 3, District Lot 14, ODYD, Plan 7187

Table 3: List of Subject Properties

Address	Legal
3020 Abbott Street	Lot 1, District Lot 14, ODYD, Plan KAP53240
3030 Abbott Street	Lot 2, District Lot 14, ODYD, Plan KAP53240
3040 Abbott Street	Lot 3, District Lot 14, ODYD, Plan KAP53240

CITY OF KELOWNA

BYLAW NO. 10980

Official Community Plan Amendment No. OCP14-0014 -Amendment to Chapter 4- Future Land Use for a new Health District (HLTH) Designation

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 CHAPTER 4 - FUTURE LAND USE, LAND USE DEISGNATION DEFINITIONS, be amended to add a new Health District (HLTH) Designation in its appropriate location that reads as follows:

Health District (HLTH)

To integrate uses in support of the regional KGH campus both physically and functionally with the surrounding communities and to provide a moderating transition in scale from a major institutional centre to adjacent established residential areas that incorporate heritage components, where included in the Heritage Conservation Area boundary. This designation is to encompass development that supports the operations of the Kelowna General Hospital or other health administration, health education, patient services or care facility operation. Other uses may include multiple unit residential uses consistent with the RM3, RM4 or RM5 zones of the Zoning Bylaw. Limited health and service related commercial uses as defined by the Zoning Bylaw may be supported.

The health district west of Pandosy Street is a transitional area from the Kelowna General Hospital campus to the surrounding residential neighbourhoods. Any properties west of Pandosy Street that are designated health district are limited to the HD3 –Health Services Transitional zone of the Zoning Bylaw. The embedded guidelines are intended to ensure that the design of individual developments is compatible with the overall neighborhood context, adjacent established and future residential neighborhoods of this area.

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 14th day of July, 2014.

Considered at a Public Hearing on the 29th day of July, 2014.

Read a second and third time by the Municipal Council this 29th day of July, 2014.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 10981
TA14-0010 - City of Kelowna
Adding a New HD3 - Health Services Zone to Section 17 -
Health District Zone

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 **Section 2 - Interpretation, 2.3 General Definitions, 2.3.3** be amended by adding in new definitions in their appropriate location that read as follows:

“HEALTH SERVICES, MAJOR means a **development** used for the provision of physical or mental **health services** on an out-patient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative or counseling nature. Typical uses include, but are not limited to, medical and dental **offices**, chiropractors, massage therapists and acupuncture clinics, health clinics, and counseling services.

SUPPORTIVE HOUSING, MINOR means housing consisting of a maximum of six dwellings with support services on-site. These may or may not include collective dining facilities, laundry facilities, counseling, educational services, homemaking, and transportation. Supportive Housing, Minor may qualify as **Special Needs Housing**.

SUPPORTIVE HOUSING, MAJOR means housing consisting of seven or more dwellings with support services on-site. These may or may not include collective dining facilities, laundry facilities, counseling, educational services, homemaking, and transportation. Supportive Housing, Major may qualify as **Special Needs Housing**.”

2. AND THAT **Section 8 - Parking and Loading, Table 8.1 - Parking Schedule, Commercial** be amended by adding a new section in its appropriate location that reads as follows:

Health Services, Major and Minor	5 per 100m ² , except on parcels less than 1800m ² in area the required parking spaces shall be 4 per 100m ² .
---	---

3. AND THAT **Section 7 - Landscaping and Screening, 7.6 Minimum Landscape Buffers, 7.6.1** be amended by adding a new Level 2 that reads as follows and renumbering subsequent sub-paragraphs:

“Level 2: a minimum 2.0m landscape buffer is required to separate uses from adjacent properties and will consist of a low-lying vegetative buffer where no trees or continuous opaque barrier is required.”

4. AND THAT **Section 17 - Health District Zone** be amended to add a new **HD3 - Health Services Zone** as attached to and forming part of this bylaw;
5. 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 14th day of July, 2014.

Considered at a Public Hearing on the 29th day of July, 2014.

Read a second and third time by the Municipal Council this 29th day of July, 2014.

Approved under the Transportation Act this 5th day of September, 2014.

Audrie Henry

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Section 17 – Health District Zone

17.3 HD3 –Health Services Transitional

17.3.1 Purpose

The purpose is to provide a transitional zone, including supportive and low-impact health service uses, from the Kelowna General Hospital campus to the established residential neighbourhood to the north and south. For those parcels identified on the boundary map, this zone will allow for small-scale health services that are generally compatible with residential land uses and capable of being located in a neighbourhood setting. Building design should reflect the scale and context of nearby residential areas as established in the *Abbott Street & Marshall Street Heritage Conservation Areas Development Guidelines*.

17.3.2 Principal Uses

17.3.2.1 The **principal uses** in this zone are:

- (a) boarding or lodging house
- (b) group home, minor
- (c) health services, minor
- (d) health services, major
- (e) single detached housing
- (f) supportive housing, minor
- (g) two dwelling housing

17.3.2.2 The **secondary uses** in this zone are:

- (a) bed & breakfast home
- (b) carriage house
- (c) home based business, minor
- (d) secondary suite

17.3.3 Subdivision Regulations

17.3.3.1 The subdivision regulations for properties north of Kelowna General Hospital (fronting on Royal Avenue and Pandosy Street) are:

- (a) The minimum lot width is 13.0m.
- (b) The minimum lot depth is 30.0m.
- (c) The minimum lot area is 490m².

17.3.3.2 The subdivision regulations for properties south of Kelowna General Hospital (fronting on Christleton Avenue and Pandosy Street) are:

- (a) The minimum lot width is 13.0m.
- (b) The minimum lot depth is 30.0m.
- (c) The minimum lot area is 490m².

- (d) The maximum lot area is 1800m².

17.3.4 Development Regulations

- (a) The maximum floor area ratio is 0.5, except it is 1.0 for properties with a lot area of more than 1800m².
- (b) The maximum site coverage is 50% and together with driveways and parking areas, shall not exceed 60%.
- (c) The maximum building height is the lesser of 9.5m or 2 ½ storeys, except it is 4.5m for accessory buildings.
Where parking spaces are provided totally beneath habitable space of a principal building providing that in all cases, the parking spaces are screened from street frontage view, the maximum building height is the lesser of 10m or 3 storeys, except it is 4.5m for accessory buildings.
- (d) The minimum front yard is 4.5m.
- (e) The minimum side yard is 2.0m for a 1 or 1 ½ storey portion of a building and 2.3m for a 2, 2 ½ or 3 storey portion of a building.
- (f) The minimum rear yard is 6.0m except it is 1.5m for accessory buildings.

17.3.5 Other Regulations

- (a) In addition to the regulations listed in this section, other regulations apply. These include the general development regulations of Section 6, the landscaping and fencing regulations of Section 7, the parking and loading regulations of Section 8 (except as specified by section 1.6 of this zone), and the specific use regulations of Section 9 of Zoning Bylaw No. 8000.
- (b) Level 2 landscape buffers are required for the side yards and Level 3 landscape buffers are required in the front and rear yard setback areas. A visual screen is required along side or rear lot lines that are adjacent to a residential land use designation. The visual screen may consist of either vegetation or decorative fence or wall. The minimum height of the screen is 1.2m (at maturity for vegetation, planted at a minimum height of 1.0m high on a maximum spacing of 900mm).
- (c) Vehicle-oriented or drive through services are not permitted in this zone.
- (d) All vehicle access must be from the rear lane, where a lane is present.
- (e) One non-illuminated Identification sign, as defined in the City of Kelowna Sign Bylaw No. 8235, which meets the following conditions is permitted per lot:
 - i. 0.23m² maximum area;
 - ii. Placed within, flat against or hanging from the building;
 - iii. For lots fronting on Pandosy Street, signs of this size and dimension may be hung from a free-standing post; and
 - iv. The sign must be of high-quality materials in heritage colours, and consistent with the architectural style of the building.
- One non-illuminated Free-standing sign, as defined in the City of Kelowna Sign Bylaw No. 8235, which meets the following conditions is permitted per lot:
 - v. 1.0m² maximum area;
 - vi. Maximum 1.5m above height measured from sidewalk elevation;
 - vii. Minimum 1.0m setback from front property line; and
 - viii. The sign must be of high-quality materials in heritage colours, and consistent with the architectural style of the building.

- (f) The maximum height of fences or landscape screening located in a front yard is 1.0m.

17.3.6 Design Guidelines

The *Abbott Street & Marshall Street Heritage Conservation Areas Development Guidelines* form the basis of the Design Guidelines for those parcels within the Abbott Street Heritage Conservation Area. The following base guidelines shall apply to all parcels in addition to the Revitalization Development Permit Design Guidelines:

- (a) Built form should resemble a residential building design that disguises health services uses and is complimentary to the established residential character.
- (b) Maintain the established front yard setback by placing additions and new constructions within 10% of the adjacent or average building setback.
- (c) Rear setbacks may vary from the established pattern, within the limits of the Zoning Bylaw, to accommodate additions to the residential building footprint.
- (d) The massing of auxiliary buildings should be subordinate to the massing of the principal structure.
- (e) New construction or additions to existing structures are encouraged to maintain the established massing of the streetscape.
- (f) Larger buildings should use architectural design techniques to reduce the apparent massing and emulate the established neighbouring building massing.
- (g) Established block face building spacing, foundation height, proportion, wall to window/door ratio and setbacks of adjacent development are to be considered with new development or additions to existing buildings.
- (h) Roof form complexity, roof line silhouette, and the use of secondary elements (dormers, gables, chimneys, etc.) shall be consistent with the building style.
- (i) Low maintenance materials, of similar design to traditional materials, may be used for buildings not being restored to period authenticity.
- (j) Main entrances should be prominent from the street and are encouraged to adhere to the pattern of the established architectural style.
- (k) Front steps leading to the principal entrance are encouraged to be constructed in a style and of materials consistent with the established architectural style of the building.

Report to Council



Date: August 19, 2014
File: 1140-50
To: City Manager
From: John Saufferer, Manager, Property Management
Subject: FARM LEASE - C. THOMSON (4125 GORDON DRIVE)
Report Prepared by: T. Abrahamson, Property Officer

Recommendation:

THAT Council approves the City entering into a ten (10) year Lease Agreement, with Colin Thomson, for the lease of City-owned farm land, with the option to renew for two (2) additional five (5) year terms, in the form attached to the Report of the Manager, Property Management, dated August 19, 2014;

AND THAT the Mayor and City Clerk be authorized to execute the Lease Agreement.

Purpose:

To approve a lease of City-owned farm land at 4125 Gordon Drive (the Lease Lands, as shown in Schedule A) to Colin Thomson for a term of ten (10) years with two (2) - five (5) year renewal terms.

Background:

In November 1992, the Thomson family sold a large portion of land, including the Lease Lands, to the City and further donated 4.5 acres of land to the Central Okanagan Parks & Wildlife Trust. As part of the original sale agreement, the City agreed to permit the Thomson family (Colin Gifford Thomson, Olive Brenda Thomson and Colin Thomson) to occupy and farm the Lease Lands. A Lease was registered in 2011 for a term of five (5) years with one (1) further renewal term of five (5) years.

During the initial term, Colin Gifford Thomson passed away and Olive Brenda Thomson moved from the property. Colin Thomson remained as the sole tenant; however, as the Lease was not registered as a joint tenancy the renewal could not be exercised. A new lease was subsequently created with a ten (10) year term with two (2) further options to renew for five (5) years each to provide the Thomson family with greater certainty related to the farming operation.

This Lease is non-market reflecting the City's desire that the heritage tobacco barn and the farm house located on the Lease Lands be maintained by the Thomson family in conjunction with the farming operation.

Internal Circulation:

Divisional Director, Civic Operations
Manager, Park & Building Projects
Manager, Park & Building Planning

Legal/Statutory Authority:

Section 26(3) - Community Charter

Legal/Statutory Procedural Requirements:

Disposition must be published in a weekly newspaper for two (2) consecutive weeks and posted on the public notice posting place.

Considerations not applicable to this report:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

In light of the above, the Property Management Branch requests Council's support of this Lease.

Submitted by:

J. Saufferer, Manager, Property Management

Approved for inclusion: D. Edstrom, Director, Real Estate & Property Services

Attachments: Schedule A: Lease Lands
Schedule B: Lease Agreement

cc: Divisional Director, Civic Operations
Manager, Park & Building Projects
Manager, Park & Building Planning

LEASE OF AGRICULTURAL LAND AND BUILDINGS

THIS LEASE dated for reference August 1, 2014 is

BETWEEN:

CITY OF KELOWNA, a municipal corporation incorporated under the *Community Charter* and having an address of 1435 Water Street Kelowna, B.C. V1Y 1J4

(the "City")

AND:

COLIN G. M. THOMSON, having an address of 4193 Gordon Drive, Kelowna, B.C. V1W 1S4

(the "Tenant")

GIVEN THAT:

- A. The City is the registered owner of land legally described as:
PID: 026-563-401
Lot 3, Section 6, Township 26, O.D.Y.D., Plan KAP80134
(the "Land");
- B. The Land is designated as agricultural land under the *Agricultural Land Commission Act*, SBC 2002, c 36, pursuant to which the use of the Land is limited to farm use;
- C. Pursuant to a Purchase and Sale Agreement executed on November 25, 1992 (the "Agreement") the Tenant, Colin Gifford Thomson and Olive Brenda Thomson (collectively, the "Vendors") sold a large portion of land including the Land to the City and agreed to donate a further 4 ½ acres of land to the Central Okanagan Parks & Wildlife Trust;
- D. As part of the Agreement, the City agreed to permit the Vendors to continue to occupy and farm a portion of the Land outlined in bold on the sketch plan dated June 12, 2014, a copy of which is attached hereto as Schedule "A" (the "Leased Area") and all improvements thereon, including the barn and house and marked as the "Barn" and "House" respectively (the "Buildings") (the Leased Area and the Buildings collectively being the "Premises");

- E. The Vendors and the City reduced to writing their agreement concerning the Vendors' occupation of the Premises in a lease registered under number LB275016 (the "First Lease");
- F. The term of the First Lease has expired, the renewal option has not been exercised, Colin Gifford Thomson passed away, and Olive Brenda Thomson no longer resides on the Premises;
- G. The City and the Tenant have agreed to execute a new lease, on the terms and conditions set out in this Lease.

This Lease is evidence that in consideration of the rents, covenants and agreements contained in this Lease and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Tenant covenant and agree with each other as follows:

1. **Lease** – The City leases the Premises to the Tenant for the Term, on the terms and conditions of this Lease.
2. **Term** – The term of this Lease is for a period of 10 years, commencing on the date of execution of this Lease by both parties with no early termination provision in the first 5 years of the term, and subject to early termination pursuant to the terms of this Lease for the remaining 5 years of the term ("Term").
3. **Renewal** – If the Tenant is not in default under this Lease at the time of giving notice of renewal and at the time of the commencement of a renewal term, this Lease may be renewed for two (2) consecutive five (5) year terms, each on the same terms and conditions of this Lease (excluding this right of renewal, which is modified accordingly), upon the Tenant providing to the City notice of his intention to renew no later than 60 days before the expiration of this Lease or the expiration of the first renewal term (as the context requires), and subject to the City obtaining approval of the renewal in writing by the City's approving officer.
4. **Rent** - The Tenant shall pay the City rent of \$1.00 for the Term ("Rent") payable on the first day of the Term.
5. **Purpose** - The Tenant shall continuously use the Premises for farm use as that term is defined in the *Agricultural Land Commission Act* and for purposes consistent and compatible with that farm use and for no other purposes. The Tenant may use the House as living accommodation for the Tenant, the Tenant's relatives or the Tenant's farm workers provided that the persons occupying the House continue to farm the Land. Nothing contained in this Lease shall be construed to create a tenancy agreement between the City and the Tenant under the *Residential Tenancy Act*, SBC 2002, c 78.

6. **Tenant's Covenants** - The Tenant covenants and agrees with the City as follows:
- (a) not to do, suffer or permit any thing that may be or become a nuisance or annoyance in, on or from the Premises to the owners, occupiers or users of the Land, adjoining lands or to the public, including the accumulation of rubbish or unused personal property of any kind;
 - (b) not to do, suffer or permit any act or neglect that may in any manner directly or indirectly cause injury to the Premises without the prior written consent of the City;
 - (c) not to use the Premises for any purpose other than for farm use purposes;
 - (d) to provide all equipment, furnishings and supplies that may be required to use the Premises for the purposes of this Lease;
 - (e) to pay all costs and expenses of any kind whatsoever associated with and payable in respect of the Premises, including without limitation, all taxes, levies, charges and assessments, permit and license fees, repair and maintenance costs, administration and service fees, telephone, electrical, gas, water, sewage disposal and other utility charges and payments for work and materials;
 - (f) to repair and maintain the Premises in a safe, clean and sanitary condition and to take all reasonable precautions to ensure the safety of all persons using the Premises;
 - (g) to keep the areas immediately adjacent to the Premises free of any rubbish and debris originating from the Premises;
 - (h) to carry on and conduct its activities on the Premises in compliance with any and all laws, statutes, enactments, bylaws, regulations and orders from time to time in force and to obtain all required approvals and permits thereunder and not to do or omit to do anything on or from the Premises in contravention thereof;
 - (i) not to erect any sign on the Premises without the prior written consent of the City; and
 - (j) to promptly discharge any builders lien which may be filed against the title to the Premises relating to any improvements, work or construction that the Tenant undertakes on the Premises and to comply at all times with the *Builders Lien Act* (British Columbia) in respect of any improvements, work or construction undertaken on the Premises.

7. **Repair and Maintenance of Premises** – The Tenant must repair and maintain the Premises and keep the Premises in a state of good repair consistent with the standards of repair generally accepted in British Columbia with respect to comparable premises. Upon notice from the City, the Tenant shall make such repairs as are required by the City in the notice. The Tenant hereby assumes the full and sole responsibility for the condition, operation, maintenance and repair of the Premises.
8. **Structural Alterations** - The Tenant shall not make or cause any structural repairs or alterations to be made to the Premises without the prior written consent of the City. If the City gives such consent, the Tenant must obtain the City's prior approval of drawings and specifications for such work, must do such work strictly in accordance with the approved drawings and specifications and must comply with any conditions the City imposes with that approval. The Tenant may not make any extensions or additions to the Buildings.
9. **Removal of Buildings** – The Tenant may, at his own expense and with the prior written consent of the City, remove or demolish the Buildings. In giving its consent, the City may impose any conditions it deems necessary.
10. **Net Lease** – Without limiting any other provisions in this Lease, the Tenant agrees that this Lease is absolutely net to the Landlord and the Tenant must promptly pay when due on its own account and without any variation, set-off, or deduction all amounts, charges, costs, duties, expenses, fees, levies, rates, sums and taxes and increases in any way relating to the Premises and that to the extent any such amounts remain unpaid after they come due, such amounts shall be deemed as Rent and may be collected by the Landlord as Rent.
11. **City's Covenants** - The City covenants and agrees with the Tenant to permit the Tenant to use the Premises without interference or obstruction from the City or those claiming under or in trust for it and the City covenants for quiet possession of the Premises.
12. **Right to Inspect** – The Tenant shall permit the City to enter onto the Premises at all reasonable times to determine if the Tenant is complying with all of its promises under this Lease.
13. **Premises "As Is"** - The Tenant leases the Premises on an "as is" basis, knowing the condition thereof, and agrees that the City has made no representation, warranty, or agreement with respect thereto, including with respect to the suitability of the Premises for the Tenant's purposes.
14. **Insurance** - The Tenant shall, at his sole expense, obtain and maintain during the Term:

- (a) comprehensive general liability insurance providing coverage for death, bodily injury, property loss and damage, and all other losses, arising out of or in connection with the operations, use and occupation of the Premises in an amount of not less than \$5,000,000.00 per occurrence; and
- (b) insurance in such amounts as may be reasonably required by the City in respect of fire and such other perils, as are from time to time defined in the usual extended coverage endorsement covering damage to furniture, equipment, fixtures, improvements (including leasehold improvements) and all other contents of the Premises and which a prudent tenant acting reasonably would protect itself in similar circumstances.

All insurance required to be maintained by the Tenant hereunder shall be on the terms and with insurers reasonably satisfactory to the City. All policies shall name the City as an additional insured, contain a waiver of rights or subrogation by the insurer against the City and contain a provision that the insurer will not cancel or change the policy without giving the City at least 30 days' written notice. The Tenant must deliver to the City certificates of insurance before the commencement of the Term.

- 15. **Indemnity** - The Tenant shall indemnify and save harmless the City and its elected and appointed officials, officers, employees, agents, successors and assigns, from any and all liabilities, actions, damages, claims, losses, costs and expenses whatsoever (including without limitation, the full amount of all legal fees, costs, charges and expenses whatsoever) in any way directly or indirectly arising from the occupation, activities or actions of the Tenant on or from the Premises or in, on or from the Premises or anything done or not done or maintained by the Tenant. The obligations of the Tenant under this section survive the expiry or earlier termination of this Lease.
- 16. **Notice** - All notices and demands required or permitted to be given hereunder shall be in writing and may be personally served on the City or the Tenant, as the case may be, or may be sent by prepaid registered mail. Any notice personally delivered is considered to have been given and received at the time of delivery. Any notice mailed is considered to have been given and received on the expiration of 10 days after it is posted at a mail box in British Columbia addressed to the address for the recipient set out on the first page of this Lease or at such other address or addresses as may from time to time be notified in writing by the parties hereto, provided that if there is between the time of mailing and the actual receipt of the notice a mail strike, slow-down or other labour dispute which might affect the delivery of the notice by mail, the notice is only effective if actually delivered.

17. **No Assignment** – The Tenant may not assign this Lease or the benefit of this Lease or sublet the Premises or any part of the Premises, except subleasing the House to the Tenant's relatives or the Tenant's farm workers for the purposes of farming the Land, without the prior written consent of the Landlord.
18. **Termination Due to Default** – If the Tenant does not fully observe, perform and keep each and every term, covenant, agreement, stipulation, obligation, condition and provision of this Lease to be observed, performed and kept by the Tenant, the City may, at its option, terminate this Lease and the Term then becomes immediately forfeited and void and the Tenant must immediately cease all use of the Premises and must immediately vacate the Premises and remove all equipment and supplies brought onto the Premises by the Tenant.
19. **Termination Without Cause** - Despite section 18, the City may, at its sole discretion, for any reason terminate this Lease by giving the Tenant 6 months' notice, after the first 5 years of the term, upon expiration after which the Tenant shall cease all use of the Premises and must vacate the Premises and remove all equipment and supplies brought onto the Premises by the Tenant. For greater clarity, the Lease may not be cancelled within the first five (5) years of the term for any reason.
20. **Successors and Assigns** - All of the rights and obligations of the parties enure to the benefit of and are binding upon the parties and their successors and its assigns.
21. **Further Assurances** - Each party agrees to execute such further assurances as may be reasonably required from time to time by the other party to more fully effect the true intent of this Lease.
22. **Waiver** - No waiver by the City of a condition or the performance of an obligation of the Tenant hereunder binds the City unless in writing and executed by it, and no waiver given by the City will constitute a waiver of any other condition or performance by the Tenant of obligations hereunder in any other case.
23. **Governing Law** - This Lease will be governed in accordance with laws applicable in the Province of British Columbia, and the parties irrevocably attorn to the jurisdiction of the courts of British Columbia.
24. **Time of Essence** - Time is of the essence of this Lease.
25. **Entire Agreement** - The provisions of this Lease constitute the entire agreement between the parties and supersede all previous communications, representations, warranties, covenants and agreements, whether verbal or written, between the parties with respect to the subject of this Lease.

26. Schedules - The Schedules to this Lease form an integral part of this Lease.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Office Form C which is attached hereto and forms part of this Agreement.


Witness

(as to both signatures)

CITY OF KELOWNA by its authorized signatories:

Mayor

City Clerk



Witness

TENANT by its authorized signatory:

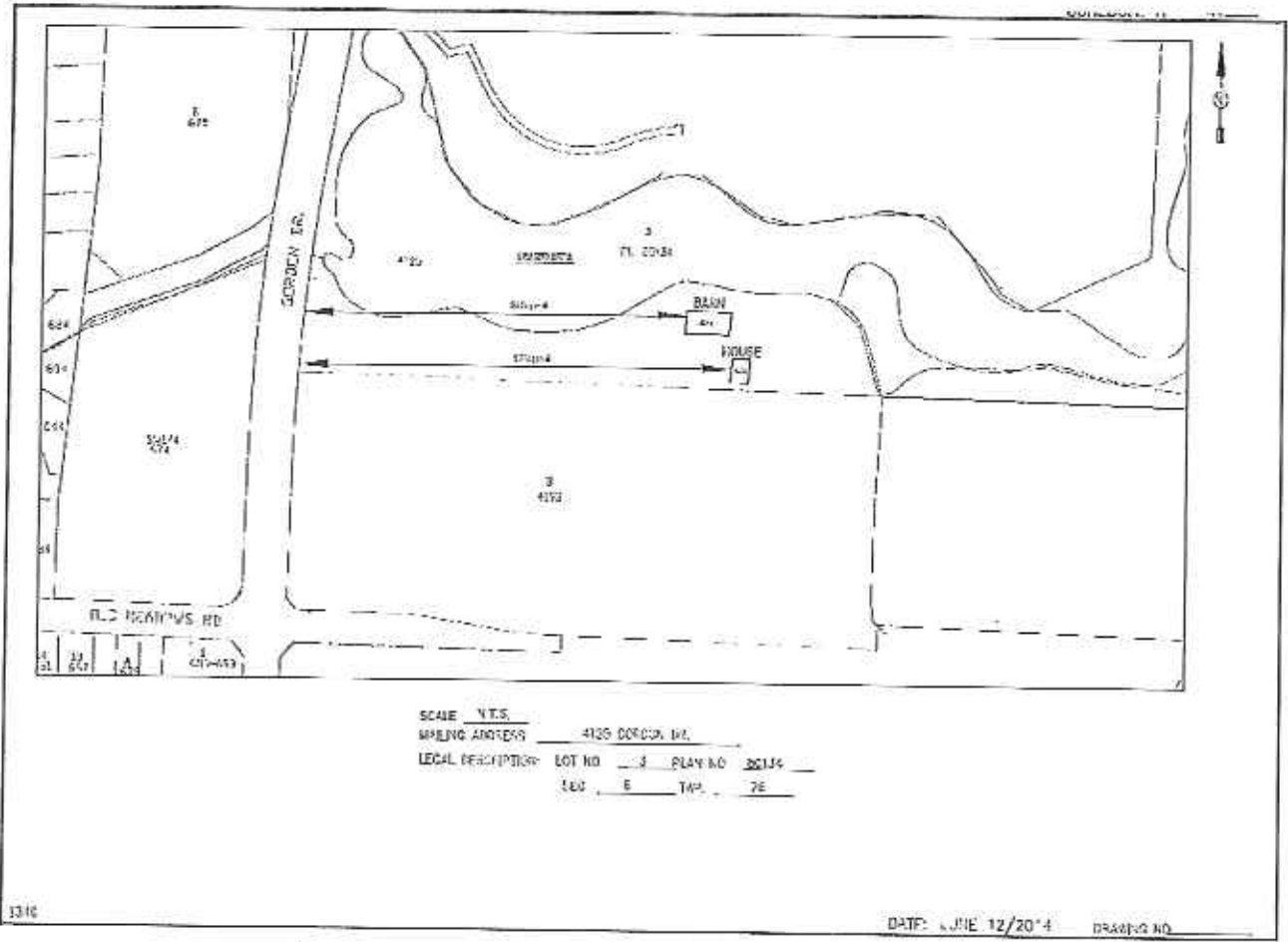


COLIN G.M. THOMSON

AUG 22/2014

SCHEDULE A

Sketch Plan



Report to Council



Date: September 10, 2014
File: 1110-61-020
To: City Manager
From: J. Hancock, Manager, Real Estate Services
Subject: Proposed Road Closure - Portion of Laneway between St. Paul and Richter Streets

Recommendation:

THAT Council receives, for information, the Report from the Manager, Real Estate Services, dated September 10, 2014, recommending that Council consider the proposed road closure of a portion of land between St. Paul Street and Richter Street;

AND THAT Bylaw No. 10932, being proposed road closure of a portion of land between St. Paul Street and Richter Street, be forwarded for reading consideration.

Purpose:

The closed road is to be consolidated with the adjacent properties to create one large contiguous site for the future protective services building. A statutory right of way to protect public utilities within the road closure area will be registered concurrently.

Background:

The City of Kelowna owns a number of properties between St. Paul Street and Richter Street, including 1175 & 1185 St. Paul Street, 576, 630, & 690 Clement Avenue, and 1156, 1160, 1166, & 1170 Richter Street.

In order to create the largest possible contiguous site for the future protective services building, the City is closing a portion of the laneways between its properties.

Legal/Statutory Authority:

Section 26 and 40, Community Charter

Considerations not applicable to this report:

Internal Circulation:

Financial/Budgetary Considerations

Legal/Statutory Procedural Requirements:

Existing Policy:

Personnel Implications:

External Agency/Public Comments:
Communications Comments:
Alternate Recommendation:

The Real Estate Services department requests Council's support of this road closure.

Submitted by: J. Hancock, Manager, Real Estate Services

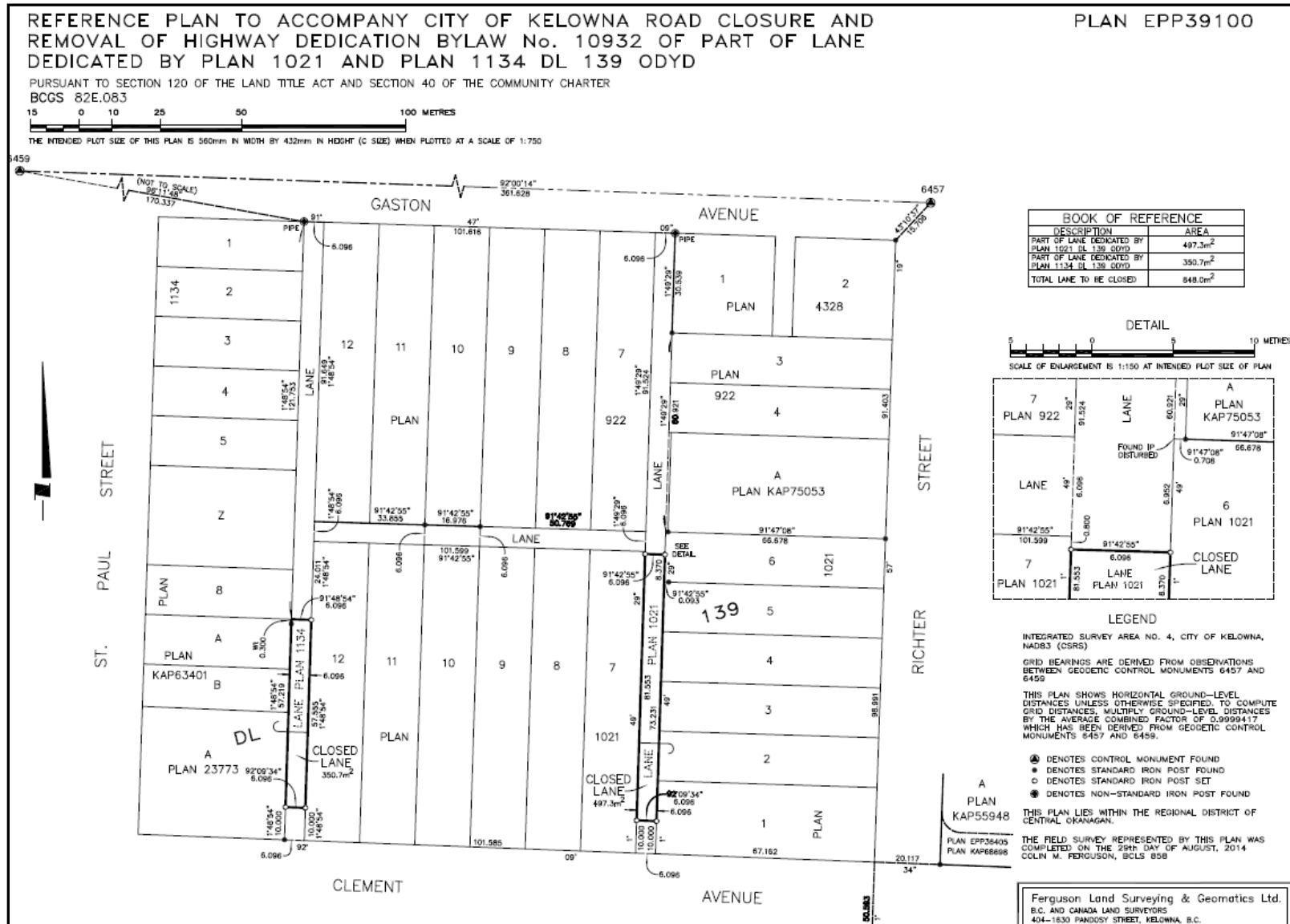
Approved for inclusion: D. Edstrom, Director, Real Estate

Attachment:

1. Schedule A - Map

cc: M. Murrell, Utility Services Supervisor
R. Smith, Urban Planning Manager
T. Barton, Parks & Building Planning Manager

Schedule A



CITY OF KELOWNA

BYLAW NO. 10932

Road Closure and Removal of Highway Dedication Bylaw (Portion of Laneway between St. Paul Street & Richter Street)

A bylaw pursuant to Section 40 of the Community Charter to authorize the City to permanently close and remove the highway dedication of a portion of laneway between St. Paul Street & Richter Street

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

1. That portion of highway attached as Schedule "A" comprising 360.7 m² shown in bold black as Closed Lane on the Reference Plan prepared by Ferguson Land Surveying Geomatics Ltd., and completed on the 20th day of August, 2014, is hereby stopped up and closed to traffic and the highway dedication removed.
2. The Mayor and City Clerk of the City of Kelowna are hereby authorized to execute such conveyances, titles, survey plans, forms and other documents on behalf of the said City as may be necessary for the purposes aforesaid.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 10985

Amendment No. 21 to City of Kelowna Sign Bylaw No. 8235

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Sign Bylaw No. 8235 be amended as follows:

1. THAT SECTION 6 - SPECIFIC ZONE REGULATIONS, 6.1, Public and Institutional Zones (P1, P2, P3, P4, W1, W2, HD2 and CD22 Su-Area I)* be deleted that reads:

Public and Institutional Zones (P1, P2, P3, P4, W1, W2 , HD2 and CD22 Sub-Area I)*		
Fascia or Free-standing	1 per building and shore frontage to a maximum of 3, except 2 on a single frontage site greater than 250.0 m EXCEPT that for Health Services, Minor uses on parcels less than 1,000m2 in the P2 zone, the number of signs shall be 1 per parcel.	(a) 4.0 m maximum height for a free-standing sign (b) 4.0 m ² maximum area except the area of a fascia sign is limited to 0.3 m ² for each lineal metre of building frontage to which it is attached (c) no animated signs EXCEPT that for Health Services, Minor uses on parcels less than 1,000m2 in the P2 zone the following regulations shall apply: (a) 1.5m maximum height for a free-standing sign (b) 1.0m ² maximum area (c) 1.0m minimum setback from a property line for a free-standing sign (d) only low-watt ground lighting or pendant lighting
Identification	1 per building and shore frontage	(a) 0.5 m ² maximum area
Portable	1 per business	(a) on a temporary basis according to Section 5.7

And replace with:

Public and Institutional Zones (P1, P2, P3, P4, W1, W2 , HD2, HD3 and CD22 Sub-Area I)*

Fascia or Free-standing	<p>1 per building and shore frontage to a maximum of 3, except 2 on a single frontage site greater than 250.0 m</p> <p>EXCEPT that for Health Services, Minor uses on parcels less than 1,000m² in the P2 zone, the number of signs shall be 1 per parcel.</p> <p>AND EXCEPT that for parcels in the HD3 zone, the number of signs shall be 1 per parcel.</p>	<p>(a) 4.0 m maximum height for a free-standing sign</p> <p>(b) 4.0 m² maximum area except the area of a fascia sign is limited to 0.3 m² for each lineal metre of building frontage to which it is attached</p> <p>(c) no animated signs</p> <p>EXCEPT that for Health Services, Minor uses on parcels less than 1,000m² in the P2 zone the following regulations shall apply:</p> <p>(a) 1.5m maximum height for a free-standing sign</p> <p>(b) 1.0m² maximum area</p> <p>(c) 1.0m minimum setback from a property line for a free-standing sign</p> <p>(d) only low-watt ground lighting or pendant lighting</p> <p>AND EXCEPT that for parcels in the HD3 zone, the following regulations shall apply:</p> <p>(a) 1.0 m² maximum area;</p> <p>(b) Maximum 1.5 m above height measured from sidewalk elevation;</p> <p>(c) Minimum 1.0 m setback from front property line;</p> <p>(d) The sign must be of high-quality materials in heritage colours, and consistent with the architectural style of the building; and</p> <p>(e) The sign must not be illuminated.</p>
Identification	1 per building and shore frontage	<p>(a) 0.5 m² maximum area</p> <p>EXCEPT that for parcels in the HD3 zone, the following regulations shall apply:</p> <p>(a) 0.23m² maximum area;</p> <p>(b) Placed within, flat against or hanging from the building;</p> <p>(c) For lots fronting on Pandosy Street, signs of this size and dimension may be hung from a free-standing post;</p> <p>(d) The sign must be of high-quality materials in heritage colours, and consistent with the architectural style of the building; and</p> <p>(e) The sign must not be illuminated.</p>

Portable	1 per business	(a) on a temporary basis according to Section 5.7
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2. This bylaw may be cited for all purposes as "Bylaw No. 10985, being Amendment No. 21 to Sign Bylaw No. 8235."
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, second and third time by the Municipal Council this 14th day of July, 2014.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk