

City of Kelowna Public Hearing AGENDA



Tuesday, November 4, 2014
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

1. (a) The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend *Kelowna 2030 - Official Community Plan* Bylaw No. 10500 and Zoning Bylaw No. 8000.

(b) All persons who believe that their interest in property is affected by the proposed bylaws shall be afforded a reason-able opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of this hearing. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

(c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after October 21, 2014 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

(d) Council debate on the proposed bylaws is scheduled to take place during the Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached tonight.

(e) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Public Hearing.

2. Notification of Meeting

The City Clerk will provide information as to how the Hearing was publicized.

3. Individual Bylaw Submissions

3.1 Bylaw No. 11012 (TA14-0017) - Vintage Landing Comprehensive Resort Development

4 - 23

To amend the existing CD18 Vintage Landing Comprehensive Resort Development zone with a renamed/revised CD18 - McKinley Beach Comprehensive Resort Development zone which reduces and refines the permitted uses and provides greater clarification to the regulations pertaining to the development of 'McKinley Beach'.

4. Termination

5. Procedure on each Bylaw Submission

(a) Brief description of the application by City Staff (Land Use Management);

(b) The Chair will request that the City Clerk indicate all information, correspondence, petitions or reports received for the record.

(c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.

(d) The Chair will call for representation from the public in attendance as follows:

(i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.

(ii) The Chair will recognize ONLY speakers at the podium.

(iii) Speakers are encouraged to limit their remarks

to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.

(e) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.

(f) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

(g) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

REPORT TO COUNCIL



Date: 9/29/2014
RIM No. 1250-30
To: City Manager
From: Subdivision, Agriculture & Environment Department
Application: TA14-0017 **Owner:** Kinnikinnik Developments Inc.
Applicant: Norr Architects
Planners/Bryce Tupper
Subject: Proposed Text Amendment to the CD18 - Vintage Landing Comprehensive Resort Development Zone to rename the zone and refine the permitted uses and regulations
Existing OCP Designation: Mixed Use Tourism (MXT)
Existing Zone: CD18 - Vintage Landing Comprehensive Resort Development Zone

1.0 Recommendation

THAT Zoning Bylaw Text Amendment No. TA14-0017 to amend City of Kelowna Zoning Bylaw No. 8000 by replacing Schedule "B" - Comprehensive Development Zones CD18 - Vintage Landing Comprehensive Resort Development Zone with a renamed/revised CD18 - McKinley Beach Comprehensive Resort Development as outlined in Schedule "A" of the report from the Subdivision, Agriculture & Environment Department dated September 29, 2014, be considered by Council;

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

2.0 Purpose

To amend the existing CD18 Vintage Landing Comprehensive Resort Development zone with a renamed/revised CD18 - McKinley Beach Comprehensive Resort Development zone which reduces and refines the permitted uses and provides greater clarification to the regulations pertaining to the development of "McKinley Beach".

3.0 Background

In January 2007, Council amended the OCP Future Land Use Map to designate the land for commercial development of the proposed resort development in the McKinley Sector of the city. Concurrent with the OCP amendment a new CD zone (CD18 - Vintage Land Resort Development zone) was adopted, and the properties rezoned, to facilitate the development of a "comprehensively planned multifaceted destination resort". The purpose of the CD18 zone was

to provide for a variety of commercial uses organized around a central “wellness” village. In November of 2009, a Text Amendment to the CD18 zone was approved by Council, the primary purpose of which was to delete the reference restricting the maximum stay to 240 days a year, and to reduce the front and side yard setback requirements from a dedicated road to zero metres.

Since the initial adoption of the CD18 zone, there have been no active development proposals for the CD18 zoned lands, until this year. A previous Preliminary Layout Review letter (PLR) had been issued in 2010 for a proposed ~99 fee simple lot development. This PLR was superseded by a new PLR letter issued this year, covering a larger area, for a total of 130 lots (including two future bareland strata parcels). In addition, an Environmental/Hazardous Condition Development Permit was issued to facilitate the proposed subdivision.

4.0 Subdivision, Agriculture & Environment Department Comments

Through the current Preliminary Layout Review process Staff have been working with the applicant team to refine the CD18 zone to more accurately reflect their vision for the overall “McKinley Beach” development. As part of this review process, a number of land use concerns and discrepancies with the existing CD18 zone have been identified. Of particular concern are the land uses currently permitted in the CD18 zone that, if developed, would only serve to erode the viability of the City’s Urban Centres.

Staff also expressed concern with the development of what is essentially a single family form of development into an area that had been identified as Mixed Use Tourism as per the OCP Future Land Use Map. However, the existing wording of the CD18 zone is ambiguous and does not prohibit the ability to construct this form of development. Rather than continue with this discrepancy it was recommended by Staff that the zone be amended to be more transparent and to acknowledge the form of development being provided. Staff also recognize that, through the previously approved amendment (removing the 240 day limitation on occupancy), an opportunity was created for permanent residential occupancies. However, Staff recognize that unique to the McKinley Beach development, is the ability to provide for short term rentals in all forms of housing proposed. These short term rentals will be facilitated through on-site central reservation centres that will be required as part of the development approvals and will maintain the objective to be a resort development.

Other key amendments proposed which Staff consider significant include:

- the limitation on the area for retail and office uses;
- the removal of permitted uses which are more appropriate in an Urban Centre; and
- improved wording to provide greater clarity to the regulations.

Based on the above amendments, Staff are recommending support for this proposed text amendment application.

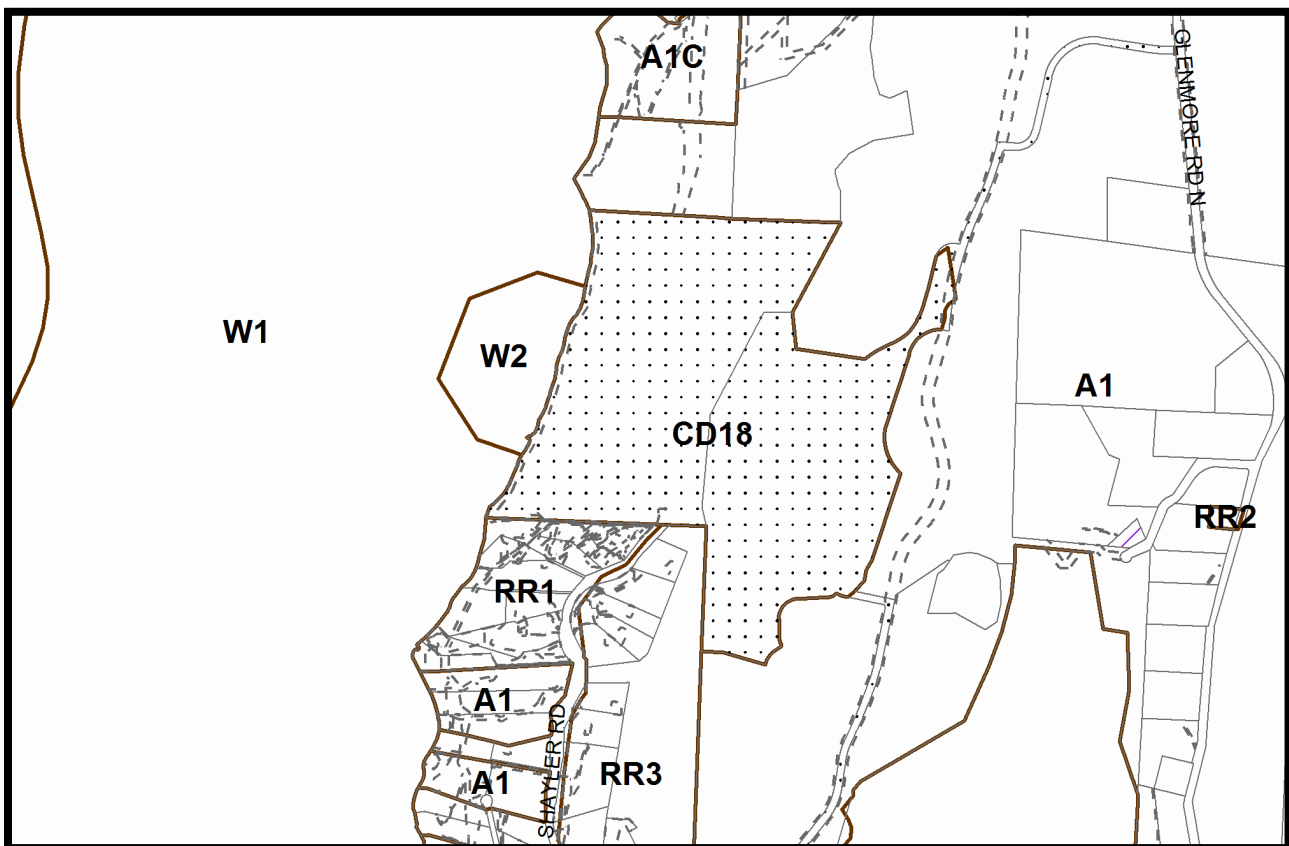
4.0 Proposal

A summary of the key proposed amendments to the CD18 zone are:

- New reference name “McKinley Beach”, to reflect the current marketing name.
- Reduce the commercial Principal Uses

- Delete the commercial school, employee accommodation, high tech product design, high tech research, public libraries and cultural exhibits uses as they are all deemed to be more appropriate in the Urban Centres.
- Add Broadcast Studio
 - This use is being proposed with limitations to only permit television, movie and sound stages.
- Add Congregate Care
 - This use is being proposed as the applicant would like the opportunity to provide housing options for the aging sector of the population.
- Add Reservation Centres
 - This use reinforces the requirement to provide short term rentals throughout the entire McKinley Beach development.
- Add Row Housing, Single Detached Housing & Semi-detached Housing as principal uses.
- Introduce limitation on the size of individual office uses and capping the overall allowable office component.
- Introduce a maximum 15,000 m² limitation on the overall development of commercial/retail uses (from the current 65,000m²) in keeping with the Village Centre definition in the OCP.
- Delete the unit cap of 1000 units as they are unable to exceed the overall development cap of 271,500m² and the market demands will determine the unit's sizes and number a cap on the individual retail tenancy for the Village Centre and limiting any other small retail use only to Area 4, which is the lower waterfront area.
- Delete a number of the commercial/retail uses that were identified in Areas 2, 3 and 4, which were deemed to be only appropriate in the Village Centre Area 1.

Subject Property Map: CD18 Zoned Lands - McKinley Beach



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

The 2030 Official Community Plan Future Land Use Map designates the CD18 zoned area as Mixed Use Tourism.

6.0 Application Chronology

Date of Application Received: August 18, 2014

7.0 Technical Comments:

7.1 Urban Planning

The maximum area for any one individual retail tenancy is proposed as 5500 m² (~60,000 sq. ft.) which seems quite excessive for this location. It would be more appropriate to have a maximum area of 2800m² (30,000 sq. ft.) which would be quite sufficient for a future grocery store in this location.

7.2 Policy & Planning

The introduction of low density single-family dwellings, combined with the amount of commercial space being proposed, will create competition with existing commercial areas, including existing urban and village centres. The CD18 zone never was intended to be a commercial destination for residents and compete with existing commercial areas. The expectations of resort users versus full-time residents vary substantially, and the area is not supplied with the services that permanent residents expect (e.g.: transit), nor are there plans to provide such services to the area.

Policy & Planning would support a concept where the permanent residential and resort densities are supported by limited, principally resort-oriented commercial uses. Where possible, residential and commercial densities should be limited to reduce the negative impact on demand for housing and commercial development in already established urban and village centres.

Note: The maximum overall area designated for commercial has been reduced to reflect the maximum allowed in accordance with the definition of Village Centre in the OCP.

Report prepared by:

Shelley Gambacort, Director/Approving Officer

Approved for inclusion: Doug Gilchrist, Divisional Director Community Planning & Real Estate

Attachments:

Current CD18 Zone

Proposed Amended CD18 Zone

Applicant's Letter of Rationale

August 8, 2014

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

Attention: Shelley Gambacort and Todd Cashin

Dear Shelley and Todd,

RE: Vintage Landing (McKinley Beach) – CD18 Text Amendment

**Subject Property: Shayler Rd., Kelowna, BC
Lot 1, ODYD, Plan EPP 8753; and Lot 7, ODYD, Plan EPP 8753**

NORR Architects Planners, on behalf of Kinnikinnik Developments Inc. is pleased to be submitting this application for a Text Amendment to the CD 18 Vintage Landing Comprehensive Resort Development zone. The proposed amendments to the zone, provided with the enclosed application, have been a collaborative effort with City of Kelowna staff with the intent of clarifying and refining the allowable Primary and Secondary Uses while also greatly simplifying the Development Regulations. Overall, it is believe that these amendments will result in a CD18 zone that is more appropriate for the vision of the lands and also more sustainable into the future.

The overarching strategy that informed the changes to allowable uses stem from the principle of limiting uses that should be located in more urban centres, while reinforcing the resort/lifestyle destination nature of the zone. Specifically, high tech research and product design uses have been removed and office and some retail uses have been limited. Furthermore, resort residential uses, while already currently allowed, have been simplified to include more customary use definitions.

Another proposed change to the Development Regulations includes the deletions of specific unit counts and densities allocated to the four development “Areas”. Instead, it is expected that the height-based limitations along with the natural topography and location of protected environmental areas will appropriate control the form of development.

We have appreciated the collaborative nature of amending the CD18 zone and look forward to progressing quickly through the regulatory process. Please do not hesitate to contact me with any questions or requests for additional information.

Sincerely,

NORR Architects Planners Inc.



Bryce Tupper, M.Eng., P.Eng., LEED® AP
Director, Planning Services
T 604 673 6096
E Bryce.Tupper@norr.com

Schedule 'B' – Comprehensive Development Zones

CD18 – Vintage Landing Comprehensive Resort Development

1.1 PURPOSE

The purpose is to provide a zone for the development of a comprehensively planned multifaceted destination resort. The resort will have a variety of commercial uses organized around a central “wellness” village.

1.2 PRINCIPAL AND SECONDARY USES

The principal and secondary uses in this zone vary in accordance with the key resort elements identified in the Vintage Landing Area Structure Plan adopted as part of the Kelowna Official Community Plan. Pursuant to the Area Structure Plan this zone has been organized into (4) four distinctive areas as illustrated on Map 1. Each area will have its own allowable principal and secondary uses as follows:

1.2(a) AREA I: Wellness Village Centre

Principal Uses:

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

- (a) **apartment hotels**
- (b) **boat storage**
- (c) **child care centre, major**
- (d) **commercial school**
- (e) **community recreation services**
- (f) **emergency and protective services**
- (g) **employee accommodation**
- (h) **exhibition and convention facilities**
- (i) **extended medical treatment services**
- (j) **food primary establishment**
- (k) **health services**
- (l) **high tech product design**
- (m) **high tech research**
- (n) **hotels**
- (o) **liquor primary establishment**
- (p) **motels**
- (q) **non-accessory parking**
- (r) **offices**
- (s) **personal service establishments**
- (t) **private clubs**
- (u) **private education services**
- (v) **public libraries and cultural exhibits**
- (w) **public parks**
- (x) **religious assemblies**
- (y) **retail liquor sales establishment**
- (z) **retail stores convenience**
- (aa) **retail stores general**

Secondary Uses:

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

- (a) **amusement arcades major**
- (b) **custom indoor manufacturing**
- (c) **emergency and protective services**
- (d) **gaming facilities**
- (e) **participant recreation services indoor**
- (f) **participant recreation services outdoor**
- (g) **private open space**
- (h) **recycled materials drop-off centre**
- (i) **residential security / operator unit**
- (j) **spectator and entertainment establishments**
- (k) **utility services minor impact**

1.2(b) AREA II Winery and Resort Accommodation**Principal Uses:**

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

- (a) **apartment hotels**
- (b) **extended medical treatment services**
- (c) **food primary establishment**
- (d) **hotels**
- (e) **liquor primary establishment**
- (f) **motels**
- (g) **retail liquor sales establishment**
- (h) **wineries and cideries**

Secondary Uses:

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

- (a) **amusement arcades major**
- (b) **commercial school**
- (c) **community recreation services**
- (d) **exhibition and convention facilities**
- (e) **health services**
- (f) **offices**
- (g) **participant recreation services indoor**
- (h) **participant recreation services outdoor**
- (i) **personal service establishments**
- (j) **private clubs**
- (k) **private education services**
- (l) **private open space**
- (m) **residential security / operator unit**
- (n) **retail stores convenience**
- (o) **retail stores general**
- (p) **spectator and entertainment establishments**
- (q) **utility services minor impact**

1.2(c) AREA III Hillside Resort Accommodation**Principal Uses:**

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

- (a) **apartment hotels**
- (b) **hotels**
- (c) **motels**

Secondary Uses:

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

- (a) **food primary establishment**
- (b) **health services**
- (c) **liquor primary establishment**
- (d) **offices**
- (e) **private education services**
- (f) **private open space**
- (g) **residential security / operator unit**
- (h) **utility services minor impact**

1.2(d) AREA IV Waterfront Resort Accommodations**Principal Uses:**

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

- (a) **apartment hotels**
- (b) **food primary establishment**
- (c) **hotels**
- (d) **liquor primary establishment**
- (e) **motels**
- (f) **personal service establishments**
- (g) **public park**

Secondary Uses:

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

- (a) **amusement arcades major**
- (b) **boat storage**
- (c) **child care centre, major**
- (d) **commercial school**
- (e) **exhibition and convention facilities**
- (f) **gaming facilities**
- (g) **health services**
- (h) **offices**
- (i) **participant recreation services indoor**
- (j) **participant recreation services outdoor**
- (k) **personal service establishments**
- (l) **private clubs**
- (m) **private open space**
- (n) **residential security / operator unit**
- (o) **retail liquor sales establishment**
- (p) **retail stores convenience**
- (q) **retail stores general**

- (r) **Spectator and entertainment establishments**
- (s) **Utility services minor impact**

1.3 DEVELOPMENT REGULATIONS

- (a) Total density for the CD18 Zone shall not exceed 1,000 units of resort accommodation (187,500m²), 65,000m² of village commercial and 19,000m² of employee accommodation in accordance with the Vintage Landing Area Structure Plan adopted as part of the Kelowna Official Community Plan.

- (b) Resort accommodation will be made up of two types:

Type A - 500 units attached (apartment hotel, hotel or motel units in buildings exceeding 4 units with common amenities) – maximum area of 150m² per unit floor area net.

Type B - 500 units detached or semi-detached apartment hotel, hotel or motel units in buildings with four units or less with amenities that may be in separate buildings – maximum area 225m² per unit floor area net. The main floor footprint may not exceed 150m² per unit. Type B units must be served by a common reception area(s).

The maximum allowable density for each identified area within this zone shall be as follows, controlled by a restrictive covenant, and amended as subdivisions occur.

Area I – Wellness Village

- 250 units of resort accommodation.
(200 Type A, 50 Type B)

Area II – Winery and Resort Accommodation

- 150 units of resort accommodation.
(100 Type A, 50 Type B)

Area III – Hillside Resort Accommodation

- 300 units of resort accommodation.
(300 Type B)

Area IV – Waterfront Resort Accommodation

- 300 units of resort accommodation.
(200 Type A, 100 Type B)

In the event that areas III and IV do not achieve 600 resort accommodation units, the remaining balance of units can be transferred to areas I and II and utilized towards the 1,000 unit maximum subject to the covenants restricting allocations and amended concurrently to reflect maximums within this zone. Allocating units from areas I and II to areas III and IV is not permitted beyond unit allocation as described in 1.3(b).

- (c) Total allowable area of resort accommodation in the areas I – IV is 187,500m².
- (d) Total maximum allowable area of commercial uses is 65,000m² made up of wellness uses (health and medical treatment services and related accommodation) and commercial uses supportive to the resort.
- (e) The maximum allowable commercial space for each area within this zone shall be as follows.

Area I – Wellness Village

- Up to 56,000m²

Area II – Winery and Resort Accommodation

- Up to 2,000m²

Area III – Hillside Resort Accommodation

- Up to 1,000m²

Area IV – Waterfront Resort Accommodation

- Up to 6,000m²

In the event that areas II, III, and IV do not achieve allocation of stated commercial areas, the balance can be transferred to area I and utilized towards the 65,000m² maximum allowable commercial space. Commercial area not achieved in area I is not transferable to areas II, III and IV beyond allocation described in 1.3(e).

- (f) Within the comprehensive zone, 19,000m² floor area of employee accommodation can be built. (defined as floor area net as per City of Kelowna General Definitions)
- (g) Total overall maximum allowable square meterage for the CD zone is 271,500m².
- (h) Every phase of development will be controlled by a Development Permit and shall confirm the floor area net of resort accommodation, village commercial, and/or employee accommodation, and will be controlled by a restrictive covenant and amended at the time of Development Permit.
- (i) Type B resort accommodation units must be developed in conjunction with common reception area(s).
- (j) The winery and golf course buildings are not included in the total allowable square meterage calculation as they are associated with the vineyard and golf course operations. The winery buildings in area II will not exceed 1400m² in area and can be distributed over multiple buildings as may be required by the winery operation. Winery uses may include all activities associated with processing and production of wine. Wine related retail and restaurant space are included in this area.

The golf course buildings in area I will not exceed 1400m² in area and can be distributed over multiple buildings as may be required by the golf course operation. Golf course uses may include all activities associated with the operation and maintenance of a golf course. This will include golf retail and restaurant.

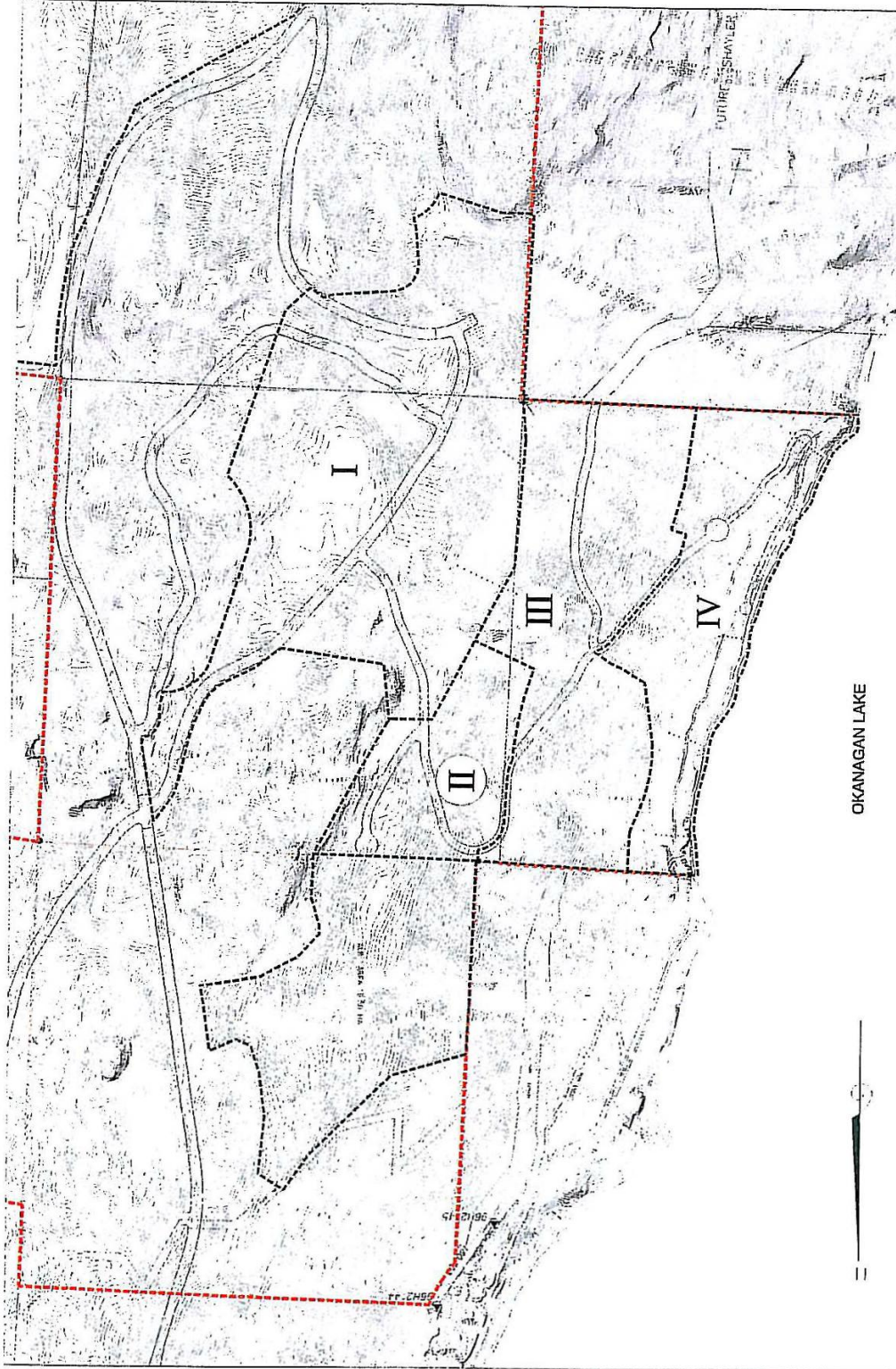
- (k) The siting of buildings shall be in general accordance with the plans of this comprehensive destination resort as approved and incorporated as CD-18 Illustrative Map I.

Impact to Environmentally Sensitive Areas designated as “High Value” or ESA 1 will be limited to infrastructure and utilities, where possible, and will strive to minimize impact to these areas. If development should occur within these areas, mitigation will promote no net loss to the habitat. If development is pursued in ESA 2 areas, portions of the habitat should be retained and integrated to maintain the contiguous nature of the

landscape. (see attached Wildlife Corridor map) Both ESA 1 and ESA 2 areas will require a Natural Environment/Hazardous Condition Development Permit to address the specific habitat or conditions outlined in the ESA Assessment Report. Some loss to these ESA areas can be offset by habitat improvements to the remaining natural areas found within the ASP boundary. In addition, any development that impacts slopes over 30% will require a Natural Environment/Hazardous Condition Development Permit. For any development to occur in these areas, it would have to be demonstrated that it will be sensitively integrated with the natural environment and will present no hazards to persons or property.

- (l) The maximum height of buildings and structures in this zone are as follows:
- i) **Area I - Wellness Village Centre**
The lesser of 8½ storeys or 38.25 metres.
 - ii) **Area II - Winery and Resort Accommodation**
The lesser of 6½ storeys or 29.5 metres.
 - iii) **Area III - Hillside Resort Accommodation**
The lesser of 2 ½ storeys or 11.5 metres starting from deck elevation. Supportive deck structures cannot exceed 7.0m in height.
 - iv) **Area IV - Waterfront Resort Accommodation**
The lesser of 6½ storeys or 29.5 metres.
- (m) For any buildings or structures in area I that exceed 6½ storeys any exposed storey where parking is provided within the building must include 60% of the exposed area as habitable space.
- (n) For any buildings or structures in areas II and IV that exceed 4½ storeys any exposed storey where parking is provided within the building must include 60% of the exposed area as habitable space.
- (o) The minimum setback from the CD Zone boundary for all uses shall be 10m (33 ft.) with the exception of the CD Zone boundary that fronts Okanagan Lake riparian management area or any park areas where the setback will be 1.5m.
- (p) The minimum **front yard** is 0.0m.
- (q) The minimum **side yard** is 0.0m.
- (r) The minimum **rear yard** is 0.0m.
- (x) A publicly accessible trail system will be provided by statutory right-of-way in favour of the City of Kelowna throughout the development property. Specific locations and right-of-way widths will be determined at time of Development Permit and in general accordance with the Vintage Landing Area Structure Plan.

- (s) Signs for areas I and II shall be regulated as if in a C-2 zone.
- (t) Signs for area III shall be regulated as if in a W-2 zone.
- (u) In accordance with the Official Community Plan (OCP), all development within the zone shall require a Commercial Development Permit.
- (v) The parking and loading regulations of Section 8 will apply.
- (w) The route of public access along the foreshore will be via a statutory right-of-way in favour of the City of Kelowna to allow for public access during parks hours. Subject to regulatory approvals there may be some facilities built within the right-of-way that serve as common amenities for both resort users and members of the public providing it does not preclude public access.
- (x) A 4m wide publicly accessible trail system will be provided by statutory right-of-way in favour of the City of Kelowna throughout the development property. Specific locations will be determined at time of Development Permit and in general accordance with the Vintage Landing Area Structure Plan
- (y) Road design will be as per the City of Kelowna Hillside Standards.



OKANAGAN LAKE



KEY
MAP
1:750
Oct. 2007

Vintage Landing Comprehensive Development Zone MAP "1"

REVISED VINTAGE LANDING
COMPREHENSIVE RESORT
DEVELOPMENT SITE PLAN

Schedule 'B' – Comprehensive Development Zones

CD18 – McKinley Beach Comprehensive Resort Development

1.1 PURPOSE

The purpose is to provide a zone for the development of a comprehensively planned multifaceted destination community having a variety of commercial and accommodation uses organized around a central lifestyle village.

1.2 PRINCIPAL AND SECONDARY USES

The principal and secondary uses in this zone vary in accordance with the key resort elements identified in the Vintage Landing Area Structure Plan adopted as part of the Kelowna Official Community Plan. Pursuant to the Area Structure Plan this zone has been organized into (4) four distinctive areas as illustrated on Map A. Each area will have its own allowable principal and secondary uses as follows:

1.2(a) AREA I Village Centre

Principal Uses:

The **principal uses** for the area designated as **Area I** on Map 1 are:

- (a) **apartment hotels**
- (b) **boat storage**
- (c) broadcast studio subject to 1.3f
- (d) **child care centre, major**
- (e) **community recreation services**
- (f) **congregate housing**
- (g) **emergency and protective services**
- (h) **exhibition and convention facilities**
- (i) **extended medical treatment services**
- (j) **food primary establishment**
- (k) **health services**
- (l) **hotels**
- (m) **liquor primary establishment**
- (n) **motels**
- (o) **non-accessory parking**
- (p) **offices**
- (q) **personal service establishments**
- (r) **private clubs**
- (s) **private education services**
- (t) **public parks**
- (u) **religious assemblies**
- (v) **retail liquor sales establishment**
- (w) **retail stores convenience**
- (x) **retail stores general**
- (y) reservation centres
- (z) **row housing** subject to 1.3e
- (aa) **single detached housing** subject to 1.3e
- (bb) **semi-detached housing** subject to 1.3e

Secondary Uses:

The **secondary uses** for the area designated as **Area I** on Map 1 are:

- (a) **amusement arcades major**
- (b) **artisan live/work studios**
- (c) **custom indoor manufacturing**
- (d) **emergency and protective services**
- (e) **gaming facilities**
- (f) **participant recreation services indoor**
- (g) **participant recreation services outdoor**
- (h) **private open space**
- (i) **recycled materials drop-off centre**
- (j) **residential security / operator unit**
- (k) **secondary suites in single detached housing** subject to 1.3e
- (l) **spectator and entertainment establishments** subject to 1.3h
- (m) **utility services minor impact**

1.2(b) AREA 2 Winery and Resort Accommodation

Principal Uses:

The **principal uses** for the area designated as **Area II** on Map 1 are:

- (a) **apartment hotels**
- (b) **food primary establishment**
- (c) **hotels**
- (d) **liquor primary establishment**
- (e) **motels**
- (f) **retail liquor sales establishment**
- (g) **wineries and cideries**
- (h) **reservation centres**
- (i) **row housing** subject to 1.3e
- (j) **single detached housing** subject to 1.3e
- (k) **semi-detached housing** subject to 1.3e

Secondary Uses:

The **secondary uses** for the area designated as **Area II** on Map 1 are:

- (a) **amusement arcades major**
- (b) **health services**
- (c) **participant recreation services indoor**
- (d) **private clubs**
- (e) **private open space**
- (f) **residential security / operator unit**
- (g) **retail stores convenience**
- (h) **secondary suites in single detached housing** subject to 1.3e
- (i) **spectator and entertainment establishments** subject to 1.3h
- (j) **utility services minor impact**

1.2 (c) AREA III Hillside Resort Accommodation

Principal Uses:

The **principal uses** for the area designated as **Area III** on Map 1 are:

- (a) **apartment hotels**
- (b) **hotels**
- (c) **motels**
- (d) reservation centres
- (e) **row housing** subject to 1.3e
- (f) **single detached housing** subject to 1.3e
- (g) **semi-detached housing** subject to 1.3e

Secondary Uses:

The **secondary uses** for the area designated as **Area III** on Map 1 are:

- (a) **health services**
- (b) **private open space**
- (c) **residential security / operator unit**
- (d) **secondary suites in single detached housing** subject to 1.3e
- (e) **utility services minor impact**

1.2(d) AREA IV Waterfront Resort Accommodations

Principal Uses:

The **principal uses** for the area designated as **Area IV** on Map 1 are:

- (a) **apartment hotels**
- (b) **food primary establishment**
- (c) **hotels**
- (d) **liquor primary establishment**
- (e) marinas
- (f) marine equipment rentals
- (g) **motels**
- (h) **public park**
- (i) reservation centres
- (j) **row housing** subject to 1.3e
- (k) **single detached housing** subject to 1.3e
- (l) **semi-detached housing** subject to 1.3e

Secondary Uses:

The **secondary uses** for the area designated as **Area IV** on Map 1 are:

- (a) **boat storage**
- (b) **personal service establishments**
- (c) **private clubs**
- (d) **private open space**
- (e) **residential security / operator unit**
- (f) **retail liquor sales establishment**
- (g) **retail stores convenience**
- (h) **secondary suites in single detached housing** subject to 1.3e
- (i) **Utility services minor impact**

1.3 DEVELOPMENT REGULATIONS

- (a) Total density for the CD18 Zone shall not exceed 271,500m² in accordance with the Vintage Landing [McKinley Beach] Area Structure Plan adopted as part of the Kelowna Official Community Plan.
- (b) The maximum area of all commercial (retail and office) uses is 15,000m².
- (c) The maximum allowable area of all office use is 5000m². The maximum area of office space in any one building is 2000m² and the maximum size of any individual office tenancy shall not exceeding 500m².
- (d) The maximum area for any one individual retail tenancy in Area I is 5500m², in Areas II, III, IV the maximum area for any one tenancy is 400m².
- (e) Density in the CD18 zone will be controlled in the form of a 219 covenant registered on the remainder parcel(s), which will indicate an allowable buildable area equal to the total site density of 271,500m² as outlined in section 1.3 (a) and which will be reduced by the:
 - 1. buildable area approved through all Form & Character Development Permits within the CD18 Areas, and
 - 2. for those lots not requiring a form & character Development Permit it will be through the subdivision approval process based on a calculation of 350m² per unit (based on 1.3(f) Type B below). *For example: if there are 10 lots being approved and eight of those lots are for single detached housing and two of the lots are for semi-detached housing the calculation used to determine the buildable area would be $12 \times 350\text{m}^2 = 4,200\text{m}^2$.*

The registered 219 Covenant will be amended, to reflect the remaining buildable area, as a condition of issuance of every Development Permit under 1.3(e)1 and as a condition of every subdivision approval under 1.3(e)2.

- (f) Resort accommodation which allows for short-term stays is made up of two types:
 - Type A:

Attached apartment hotel, hotel, congregate housing, motel units or row housing units (units in buildings exceeding 4 units with common amenities) – maximum area of 150m² per unit floor area net.
 - Type B:

Single detached housing with or without secondary suites, semi-detached housing, row housing with four units or less, with amenities that may be in separate buildings. The maximum gross floor area is 350m² per unit (excluding garages). The main floor footprint (excluding garage) may not exceed 175m² per unit (excluding garages). Type B units must be served by a common on-site or off-site reservation centre(s).
- (g) Broadcasting studios exclude facilities for permanent operation of radio and televisions stations and must be limited to television, movie and sound stage production.
- (h) Spectator and entertainment establishments exclude permanent stadiums, arenas, cineplex's and multiplexes.

(i) Natural Environment/Hazardous Conditions

1. Impact to Environmentally Sensitive Areas designated as “High Value” or ESA 1 will be limited to infrastructure and utilities, where possible, and will strive to minimize impact to these areas. If development should occur within these areas, mitigation will promote no net loss to the habitat. If development is pursued in ESA 2 areas, portions of the habitat should be retained and integrated to maintain the contiguous nature of the landscape.
2. Both ESA 1 and ESA 2 areas will require a Natural Environment/Hazardous Condition Development Permit to address the specific habitat or conditions outlined in the ESA Assessment Report. Some loss to these ESA areas can be offset by habitat improvements to the remaining natural areas found within the ASP boundary.
3. Any development that impacts slopes over 30% will require a Natural Environment/Hazardous Condition Development Permit. For any development to occur in these areas, it would have to be demonstrated that it will be sensitively integrated with the natural environment and will present no hazards to persons or property.

(j) Building Height:

1. The maximum height of buildings and structures in this zone are as follows:
 - Area I - Village Centre is the lesser of 8½ storeys or 38.25m.
 - Area II - Winery and Resort Accommodation is the lesser of 6½ storeys or 29.5m.
 - Area III - Hillside Resort Accommodation is the lesser of 2 ½ storeys or 11.5m starting from deck elevation. Supportive deck structures cannot exceed 7.0m in height.
 - Area IV - Waterfront Resort Accommodation is the lesser of 6½ storeys or 29.5m.
2. For any buildings or structures in area I that exceed 6½ storeys any exposed storey where parking is provided within the building must include 60% of the exposed area as habitable space.
3. For any buildings or structures in areas II and IV that exceed 4½ storeys any exposed storey where parking is provided within the building must include 60% of the exposed area as habitable space.
4. Setbacks:
 1. The minimum setback from the CD Zone boundary for all uses shall be 10m (33 ft.) with the exception of the CD Zone boundary that fronts Okanagan Lake riparian management area or any park areas where the setback will be 1.5m.
 2. The minimum **front yard** is 0.0m.
 3. The minimum **side yard** is 0.0m.

4. The minimum **rear yard** is 0.0m.
5. Signs:
 1. Signs for Areas I and II shall be regulated as if in a C2 zone.
 2. Signs for Area III shall be regulated as if in a W-2 zone.
- (l) In accordance with the Official Community Plan (OCP), all development, except single-detached dwellings with or without secondary suites, within the zone shall require a Form and Character Development Permit.
- (m) The parking and loading regulations of Section 8 will apply.
- (n) A publicly accessible trail system will be provided by statutory right-of-way in favour of the City of Kelowna throughout the development property. Specific locations and right-of-way widths will be determined at time of Development Permit and in general accordance with the Vintage Landing Area Structure Plan
- (o) Road design will be as per the City of Kelowna's October 2009 Hillside Standards as may be amended.

CD18 -McKinley Beach Comprehensive Resort Development
Map A

