Local Government Act of British Columbia

Limits on the use of this Part

948 (3) This Part must not be used to prevent a use of real property that is permitted under the applicable zoning bylaw for the property or to prevent the development of land to the density allowed in respect of that permitted use under the applicable zoning bylaw, except with regard to property that
(a) is designated by a heritage designation bylaw, or
(b) is subject to temporary heritage protection under this Part.

Heritage Alteration Permits

972 (6) If the refusal to issue a heritage alteration permit prevents the use of land that is allowed under the applicable zoning bylaw or the development of land to the density that is allowed under the applicable zoning bylaw in respect of that permitted use, the local government or delegate must inform the applicant of the requirements or conditions under which a use or density proposed by the applicant in accordance with section 948 (3) would be allowed.

The courts have determined that in the Local Government Act, "density" means building footprint and number of storeys (2013 BCSC 2273).

City of Kelowna Heritage Procedures Bylaw

8.0 HERITAGE ALTERATION PERMIT
8.1 Council may, by resolution, issue Heritage Alteration Permits.
8.2 The uses or density of land use permitted under the zone designation of the Zoning Bylaw may not be varied by a Heritage Alteration Permit.