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## CITY OF KELOWNA

# MEMORANDUM

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**Date:** April 30, 2002  
**File No.:** B/L 8839, 6480-30  
OCP02 - 0004

**To:** City Manager

**From:** Planning and Development Services Department

**Subject:** Bylaw 7600 Official Community Plan - Amendment Bylaw 8839

Report prepared by: Gary L. Stephen

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### RECOMMENDATION

THAT OCP Bylaw Text Amendment Bylaw No. OCP02-004 to amend Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 as outlined in Schedule 1 attached to the report of the Planning and Development Services Department dated April 30, 2002 be considered by Council;

AND THAT OCP Bylaw Text Amendment No. OCP02-004 be forwarded to a Public Hearing for further consideration.

### BACKGROUND

On March 5, 2002 Council adopted a major revision to the Official Community Plan (OCP) in the form of substantial text and map amendments.

In working with the revised OCP for the past two months, staff have identified opportunities for further streamlining of the Development Permit (DP) application requirements. Items 1, 4, 5, 6, and 7 noted in the attached Schedule 1 are intended to address these opportunities. While considering these amendments, it is opportune to also address other minor matters needing clarification or updating. These matters are noted in items 2, 3 and 8 in the attached Schedule.

### DISCUSSION

#### Item 1

The OCP designates the Urban Centres as Development Permit (DP) areas. There is currently no wording that limits the need for DP's to commercial, industrial and comprehensive developments containing commercial or industrial uses. This implies that single / two unit, multiple unit and institutional uses within the Urban Centre areas would need a DP. That was not the intention of the designation. Rather than force these types of applications through a waiver process, it is suggested that it would be more appropriate to specifically exclude these types of uses from the DP area. The waiver clauses respecting single /two unit residential and institutional uses could then be removed.

Items 1, 3, 4, 5, 6, & 7

The language as to when a DP will be required should be updated to recognize that a DP may be required at one or both of the stated applications (subdivision or building permit) to coincide with recent legal interpretation. Related to this, the language with respect to properties qualifying for a waiver should be clarified to more accurately reflect our current application process, including specific waiver clauses applicable to technical subdivisions.

#### Item 2

On a related note to Item 1, there are two guidelines in the Urban Centre section that refer to multiple unit residential uses that should be generalized to also include commercial and industrial projects. In addition there is one multiple unit residential guideline that has not been incorporated into the Urban Centre guidelines. The amended guidelines listed as Item 2 on the attached Schedule should be incorporated to ensure that development standards in our Urban Centres are no less than similar developments elsewhere in the City.

#### Item 3

New requirements from the Department of Fisheries and Oceans (DFO) relative to setbacks along Lake Okanagan were brought to our attention after the OCP Public Hearing. DFO now prohibits any works within 15 metres of the high water mark of Okanagan Lake. In addition, any vegetation within 15 metres above the high water of Okanagan Lake is fish habitat protected by the Fisheries Act. It would be appropriate to amend Table 7-1 within Section 7.11 - Development Permit Guidelines for the Protection of the Natural Environment, its Ecosystems and Biological Diversity, to increase the Riparian Management Area setback from 10 metres to 15 metres to coincide with Federal regulations.

#### Item 4

The Development Permit Guidelines for the Protection of Development from Hazardous Conditions requires that a DP may be required for Wildland Fire Hazard on all properties shown on Map 7.2. This would include new development or renovations to existing development in areas that are currently surrounded by or are part of existing neighbourhoods. It is suggested that an additional exemption clause be added that may qualify, for a waiver, those properties within an existing neighbourhood or subdivision, where there is no forest interface, if the only reason for a DP is Wildland Fire Hazard conditions.

#### Item 8

It is suggested that a new section be added to the Social Environment chapter to provide cross-references to those policies in other chapters that were derived from the 1996 Social Plan or that have social relevance.

## **CONCLUSION**

It is recommended that the clarification and housekeeping amendments to OCP Bylaw 7600 - Amendment Bylaw 8839 proposed in the Planning and Development Services report of April 30, 2002 be given favourable consideration.

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Signe K. Bagh  
Long Range Planning Manager

Approved for inclusion

R.L. Mattiussi, ACP, MCIP  
Director of Planning and Development Services

GLS

Attachment

## Schedule 1

1. Amend Section 6.2 (Development Permit Guidelines to Encourage Revitalization within All Urban Centres) by replacing the wording in the section entitled “Properties Affected” with the following:

Unless a Development Permit waiver has been issued, properties within Urban and Village Centre Development Permit areas indicated on **Map 6.2** that are currently, or become, zoned for Commercial, Industrial, Comprehensive Development containing commercial or industrial uses, or Congregate Care Facilities, will require an “Urban Centre” Development Permit prior to one, or both, of:

- subdivision; or
- construction of, addition to or alteration of a building or structure.

Amend Section 6.2 by deleting the first two sentences in the section entitled “Properties Qualifying for a Waiver” and replacing them with the following:

Development projects may qualify for a Development Permit (DP) waiver as outlined below. A DP waiver may specify conditions.

Amend Section 6.2 by deleting the second and fourth waiver clauses under the section entitled “Properties Qualifying for a Waiver”.

Amend Section 6.2 by adding the following to the list of waiver clauses under the section entitled “Properties Qualifying for a Waiver”:

- a technical subdivision for lot consolidation or road widening.

Amend Map 6.2 by adding an asterisk after Urban Centre DP Areas and after Village Centre DP Areas in the legend and then adding the following note:

- \* Urban / Village Centre DP requirements apply only to Commercial, Industrial, Comprehensive Development projects containing commercial and industrial uses, and Congregate Care Facilities

2. Amend Section 6.2 by amending the bulleted statements as follows:

In the second and third bullets of the subsection entitled “Access” delete the words “Within multiple unit residential projects”.

Add a new bulleted statement to the subsection entitled “Access” as follows:

- Pedestrian access should be clearly marked.

3. Amend Section 7.11 (Development Permit Guidelines for the Protection of the Natural Environment, its Ecosystems and Biological Diversity) by replacing the wording in the section entitled “Activities Requiring Permit” with the following:

Unless a Development Permit waiver has been issued, all properties shown as Natural Environment Development Permit areas on **Map 7.1** will require a “Natural Environment” Development Permit prior to one, or more, of:

- alteration of land;
- subdivision; or
- construction of, addition to or alteration of a building or structure.

Amend Table 7-1 of Section 7.11 by changing the Riparian Management Area setback for Item 16 – Lake Okanagan to 15 metres.

4. Amend Section 7.12 (Development Permit Guidelines for the Protection of Development from Hazardous Conditions) by replacing the wording in the section entitled “Activities Requiring Permit” with the following:

Unless a Development Permit waiver has been issued, all properties shown as Hazardous Condition Development Permit areas on **Maps 7.1 and 7.2** will require a “Hazardous Condition” Development Permit prior to one, or more, of:

- alteration of land;
- subdivision; or
- construction of, addition to or alteration of a building or structure.

Amend Section 7.12 by adding an additional clause at the end of the section entitled “Properties Qualifying for a Waiver” as follows:

- A “Hazardous Condition” Development Permit may also not be required if the Hazardous Condition of concern is solely wildland fire where the property is within or part of an existing neighbourhood or subdivision and where no forest interface is present on the subject property.

5. Amend Section 8.2 (Development Permit Guidelines for Form and Character of Multiple Unit Development) by replacing the wording in the section entitled “Properties Affected” with the following:

Unless a Development Permit waiver has been issued, all properties that are currently, or become, zoned for Multiple Unit Residential or Comprehensive Development containing multiple unit residential uses, will require a “Multiple Unit” Development Permit prior to one or both of:

- subdivision; or
- construction of, addition to or alteration of a building or structure

Amend Section 8.2 by deleting the first two sentences in the section entitled “Properties Qualifying for a Waiver” and replacing them with the following:

Development projects may qualify for a Development Permit (DP) waiver as outlined below. A DP waiver may specify conditions.

Amend Section 8.2 by adding the following to the list of waiver clauses under the section entitled “Properties Qualifying for a Waiver”:

- a technical subdivision for lot consolidation or road widening.

6. Amend Section 9.2 (Development Permit Guidelines for Form and Character of Commercial Development) by replacing the words “All commercial-zoned projects ...” in the section entitled “Purpose” with the following:

All projects zoned commercial or comprehensive development containing commercial uses ...

Amend Section 9.2 by replacing the wording in the section entitled “Properties Affected” with the following:

Unless a Development Permit waiver has been issued, all properties that are currently, or become, zoned for Commercial or Comprehensive Development containing commercial uses along designated corridors shown on **Map 6.2**, will require a “Commercial” Development Permit prior to one, or both, of:

- subdivision; or
- construction of, addition to or alteration of a building or structure.

Amend Section 9.2 by deleting the first two sentences in the section entitled “Properties Qualifying for a Waiver” and replacing them with the following:

Development projects may qualify for a Development Permit (DP) waiver as outlined below. A DP waiver may specify conditions.

Amend Section 9.2 by adding the following to the list of waiver clauses under the section entitled “Properties Qualifying for a Waiver”:

- a technical subdivision for lot consolidation or road widening.

7. Amend Section 10.2 (Development Permit Guidelines for Industrial Development) by replacing the words “All industrial-zoned projects ...” in the section entitled “Purpose” with the following:

All projects zoned industrial or comprehensive development containing industrial uses ...

Amend Section 10.2 by replacing the wording in the section entitled “Properties Affected” with the following:

Unless a Development Permit waiver has been issued, all properties that are currently, or become, zoned for Industrial or Comprehensive Development containing industrial uses along designated corridors shown on **Map 6.2**, will require an “Industrial” Development Permit prior to one, or both, of:

- subdivision; or
- construction of, addition to or alteration of a building or structure.

Amend Section 10.2 by deleting the first two sentences in the section entitled “Properties Qualifying for a Waiver” and replacing them with the following:

Development projects may qualify for a Development Permit (DP) waiver as outlined below. A DP waiver may specify conditions.

Amend Section 10.2 by adding the following to the list of waiver clauses under the section entitled “Properties Qualifying for a Waiver”:

- a technical subdivision for lot consolidation or road widening.

8. Add a new section to Chapter 17 – Social Environment as follows:

## **17.6 Related Policies in other Chapters**

- ☒ Note Chapter 4 – Employment Policies 4.1.1 Services to Unemployed, 4.1.2 Labour Market, 4.1.3 Local Skills and Education, 4.1.4 Education and Re-training, 4.1.5 Alternatives to Unemployment, 4.1.6 Arts and Culture Industry, 4.1.7 Economic Opportunities, 4.1.8 Trade Shows, 4.1.9 Health and High Tech Industries and 4.1.11 Entrepreneurial Initiatives.
- ☒ Note Chapter 6 – Urban Centres Policy 6.1.17 Density Bonuses for Amenities.
- ☒ Note Chapter 7 – Environment Policies 7.3.3 Educate the Public, 7.4.5 Health Impacts and 7.9.1 Public Education.
- ☒ Note Chapter 8 – Housing Policies 8.1.2 Development Cost Charges, 8.1.3 Housing Needs Committee, 8.1.4 Partnerships for Affordable Housing, 8.1.5 Discrimination, 8.1.6 Shared Accommodation, 8.1.7 Federal and Provincial Involvement, 8.1.8 Community Acceptance, 8.1.9 Housing Forums, 8.1.10 Housing Research, 8.1.11 Housing Data, 8.1.12 Information Package, 8.1.14 Low Income Housing, 8.1.15 Zoning Bylaw, 8.1.16 Affordability Benchmarks, 8.1.17 Core Need, 8.1.18 Housing Agreements, 8.1.19 Housing Reserve Fund, 8.1.20 Use of Housing Reserve Fund, 8.1.21 Housing Quality, 8.1.23 Housing Affordability Indicators, 8.1.24 Affordable and Special Needs Deficiency, 8.1.25 Vacancy Rates, 8.1.26 Stratification, 8.1.28 Bonuses for Affordable and Special Needs Units, 8.1.33 Land Utilization within Single Detached Areas, 8.1.34 Special Needs Facilities, 8.1.36 Ground Oriented Housing, 8.1.37 Family Housing, 8.1.38 Housing Variety, 8.1.39 Affordable and Special Needs Housing, 8.1.42 Integration, 8.1.45 Secondary Suites and 8.1.47 Housing for Lower Income Singles.

- ☒ Note Chapter 9 – Commercial Policy 9.1.9 Arts and Cultural Businesses.
- ☒ Note Chapter 12 – Transportation Policies 12.1.8 Transit Accessibility, 12.1.52 Security at Transit Exchanges, 12.1.64 Parking Accessibility and 12.1.76 Barrier Free Routes.
- ☒ Note Chapter 15 – Arts and Culture Policies 15.1.1 Arts and Culture Investments, 15.1.3 Public Art Committee, 15.1.4 Art Gallery Support, 15.1.5 Theatre Support, 15.1.6 Museum Support, 15.1.7 Arts and Culture Development, 15.1.8 Arts Instruction, 15.1.9 Arts and Culture Policies and Initiatives, 15.1.14 Public Art and 15.1.15 Urban Centres.
- ☒ Note Chapter 18 – Institutional Policies 18.1.8 Education Funding, 18.1.9 Adult Education, 18.1.12 Local Health Care Services, 18.1.13 Health Care Education, 18.1.14 Central Okanagan Inter-Agency Network (COIN) and 18.1.20 Community Use of Schools.