

CITY OF KELOWNA

BYLAW NO. 8839

City of Kelowna Official Community Plan Amendment No. 02-004 – Development Permit Guidelines

A bylaw to amend the "City of Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600".

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

1. THAT "City of Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600" be amended as follows:
 - (a) Amend **Chapter 6 – Urban Centres** as follows:
 - (i) Amend **Subsection 6.2 – Development Permit Guidelines to Encourage Revitalization within All Urban Centres** as follows:
 - (A) Replace the paragraph entitled "**Properties Affected**" with the following:

"Properties Affected
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."
 - (B) Amend the paragraph entitled "**Properties Qualifying for a Waiver**" as follows:
 - (1) Replace the first two sentences with the following:

"Development projects may qualify for a Development Permit (DP) waiver as outlined below. A DP waiver may specify conditions."
 - (2) Delete the second and fourth waiver clauses in their entirety.
 - (3) Add the following bulleted statement at the end of the list of waiver clauses:

"- a technical subdivision for lot consolidation or road widening."

- (C) Amend the paragraph entitled “**Access**” under the heading “**Guidelines for Development within Urban Centres**” as follows:
- (1) Replace the second and third bullets with the following:
- “Vehicle access and on-site circulation should minimize interference with pedestrian movement
 - Vehicle access from arterial or collector roads is discouraged. Where possible, such access should be achieved from a local road or lane.”
- (2) Add the following bulleted statement at the end of the list of bullets:
- “Pedestrian access should be clearly marked.”
- (ii) Amend the legend of **Map 6.2 – Urban Development Permit Area Designation** by adding an asterisk after **Urban Centre DP Areas** and **Village Centre DP Areas** and add 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”
- (b) Amend **Chapter 7 – Environment** as follows:
- (i) Amend **Subsection 7.11 – Development Permit Guidelines for the Protection of the Natural Environment, its Ecosystems and Biological Diversity** as follows:
- (A) Replace the paragraph entitled “**Activities Requiring Permit**” with the following:
- “Activities Requiring Permit**
- 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.”
- (B) Increase the **Riparian Management Area** for Line 16 – Lake Okanagan from 10 metres to 15 metres in **Table 7-1: Riparian Management Area Setbacks**.
- (ii) Amend **Subsection 7.12 – Development Permit Guidelines for the Protection of Development from Hazardous Conditions** as follows:

- (A) Replace the paragraph entitled “**Activities Requiring Permit**” with the following:

“Activities Requiring Permit

Unless a Development Permit waiver has been issued, all properties shown as Hazardous Condition Development Permit areas on **Map 7.1** and **Map 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.

- (B) Add the following bulleted statement to the end of the paragraph entitled “**Properties Qualifying or a Waiver**”:

- “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.”

- (c) Amend **Chapter 8 – Housing** as follows:

- (i) Amend **Subsection 8.2 – Development Permit Guidelines for Form and Character of Multiple Unit Development** as follows:

- (A) Replace the paragraph entitled “**Properties Affected**” with the following:

“Properties Affected

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”

- (B) Replace the first two sentences in the paragraph entitled “**Properties Qualifying for a Waiver**” with the following:

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

- (C) Add the following bulleted statement to end of the list of waiver clauses in the paragraph entitled “**Properties Qualifying for a Waiver**”:

- “a technical subdivision for lot consolidation or road widening.”

(d) Amend **Chapter 9 – Commercial** as follows:

(i) Amend **Subsection 9.2 – Development Permit Guidelines for Form and Character of Commercial Development** as follows:

- (A) Replace the paragraph entitled “**Purpose**” under with the following:

“Purpose

All projects zone commercial or comprehensive development containing commercial uses along designated corridors on **Map 6.2** are subject to “Commercial” Development Permit guidelines to ensure that the form and character of new commercial development is consistent with principles of good urban design as well as other goals and objectives of this OCP.”

- (B) Replace the paragraph entitled “**Properties Affected**” with the following:

“Properties Affected

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.”

- (C) Replace the first two sentences in the paragraph entitled “**Properties Qualifying for a Wavier**” with the following:

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

- (D) Add the following bulleted statement to the end of the paragraph entitled “**Properties Qualifying for a Wavier**”:

- “a technical subdivision for lot consolidation or road widening.”

(e) Amend **Chapter 10 – Industrial** as follows:

(i) Amend **Subsection 10.2 – Development Permit Guidelines for Industrial Development** as follows:

- (A) Replace the paragraph entitled “**Purpose**” under with the following:

“Purpose

All projects zoned industrial or comprehensive development containing industrial uses along designated corridors on **Map 6.2** are subject to “Industrial” Development Permit guidelines to ensure that the form and character of new industrial development is consistent with principles of good urban design as well as other goals and objectives of this OCP.

- (B) Replace the paragraph entitled “**Properties Affected**” under with the following:

“Properties Affected

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.”

- (C) Replace the first two sentences in the paragraph entitled “**Properties Qualifying for a Waiver**” with the following:

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

- (D) Add the following bulleted statement to the end of the paragraph entitled “**Properties Qualifying for a Waiver**”:

- “a technical subdivision for lot consolidation or road widening.”

- (f) Amend **Chapter 17 – Social Environment** by adding the following section in the appropriate location:

“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.”

(g) Amend **Map 19.1-GENERALIZED FUTURE LAND USE** by changing the Generalized Future Land Use designation of the following properties from “For Approved Land Uses See Bylaw #8165 (University South ASP)” to “Single/Two Unit Residential”, “Multiple Unit Residential-Medium Density”, “Commercial”, “Educational/Major Institutional”, “Public Services/Utilities”, “Industrial” and “Major Park/Open Space” as shown on Map “A” attached to and forming part of this bylaw.

- (i) The Southwest ¼ of Section 11 Township 23 ODYD except (1) those parts shown on Plan attached to DD1953D (2) Plans 10273, 18883, H764 and H16596 (3) Parcel A (E10197) and the Northwest ¼ of Section 2 Township 23 ODYD except (1) those parts shown of plan attached to DD1953D (2) Part described in DD169668F (3) Plans 12349, H764 and H16596 located on Highway 97 North, Kelowna, BC;
- (ii) The Northeast ¼ of Section 3 Township 23 ODYD located on Appaloosa Road, Kelowna, BC;
- (iii) The North ½ of the Southeast ¼ of Section 3 Township 23 ODYD located on Arab Road, Kelowna, BC;
- (iv) That Part of Lot 32 shown on Plan B4199 Section 3 Township 23 ODYD Plan 546 and That Part of Lot 32 shown on Plan B5251 Section 3

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- Township 23 ODYD Plan 546 both located on Sexsmith Road, Kelowna, BC;
- (v) Lot 7 Section 10 Township 23 ODYD Plan 1638 located on Curtis Road, Kelowna, BC;
 - (vi) Lot A Section 2 Township 23 ODYD Plan KAP49681 located on Sexsmith Road, Kelowna, BC;
 - (vii) Lot A Section 2 Township 23 ODYD Plan KAP55855 except Plans KAP63299 and KAP63302, located on Hollywood Road North, Kelowna, BC;
 - (viii) Lot 17 Section 2 Township 23 ODYD Plan 18861 except Plan KAP63302 located on Appaloosa Road, Kelowna, BC;
 - (ix) Lot 1 Section 2 Township 23 ODYD Plan 19637 located on Sexsmith Road, Kelowna, BC;
 - (x) Lots A and B Section 3 Township 23 ODYD Plan 35661 both located on Appaloosa Road, Kelowna, BC;
 - (xi) Lots 1 to 22 inclusive Section 2 Township 23 ODYD Plan KAP63302 all located on Neave Road, Neave Court and Loughheed Road, Kelowna, BC; and
 - (xii) Lots 1 to 9 inclusive, Lots 11 to 16 inclusive, and Lots 18 to 49 inclusive Section 3 Township 23 ODYD Plan 18861 all located on Appaloosa Road, Arab Road, Sexsmith Road and Pinto Road, Kelowna, BC.
2. AND THAT pursuant to Section 882 of the *Local Government Act*, each reading of this bylaw receive an affirmative vote of a majority of all members of the Council;
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

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

