

# CITY OF KELOWNA

## BYLAW NO. 9236

### A Bylaw to Adopt Certain Housekeeping Amendments to Bylaw No. 7600 *Kelowna 2020* – Official Community Plan

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AND WHEREAS Council wishes to adopt certain housekeeping amendments to Bylaw No. 7600 *Kelowna 2020* – Official Community Plan;

AND WHEREAS Council may adopt an official community plan by bylaw and each reading of the bylaw must receive an affirmative vote of a majority of all members of Council;

AND WHEREAS after first reading of the bylaw and before third reading of the bylaw, Council held a public hearing on the proposed amendments to the official community plan in accordance with Sections 890 through 894 of the *Local Government Act*;

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

1. Schedule “A” to *Kelowna 2020* - Official Community Plan Bylaw No. 7600 is amended by:
  - (a) Adding the following text to the definition of Urban Centre in the Definitions provisions, following the words “**Urban Centre**”:

“(Urban Centre definitions and policies apply to those areas identified as Urban and Village Centre Development Permit areas on Map 6.2)”;
  - (b) Deleting the existing policy 5.1.9 from **Section 5.1** of **Chapter 5** and replacing it with the following:

“9     **Support an Increase in Multiple Units.** Support a gradual increase in multiple unit development toward a 47% single detached/duplex and 53% apartment/townhouse share of new residential development by 2020, with a multiple unit emphasis on ground-oriented housing.”;
  - (c) Deleting the existing paragraph **Properties Affected** from **Section 6.2** of **Chapter 6** and replacing it 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, Institutional, 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.”;
  - (d) Amending **Section 7.11** of **Chapter 7** by:
    - (i) Deleting the reference to “DFO” from the fourth sub-bullet under the sub-heading Riparian Management Area Requirements of the heading **Riparian Management Areas** and replacing it with the words “appropriate federal department”;

- (e) Amending **Table 7-1: Riparian Management Area Setbacks** of **Chapter 7** by:

- (i) Amending the reference under the column entitled **Stream Reach** in row 9 of the table to read “South Arm”;
- (ii) Adding the following as row number “9A”, below row 9 of the table:

9A	Fascieux Creek	North Arm	10
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- (f) Amending **Section 7.12** of **Chapter 7** by:

- (i) Adding the words “and the Province” to the second bullet under the heading **Flooding** after the words “to save the City of Kelowna”;
- (ii) Deleting the fourth bullet under the paragraph **Development Permit Conditions** and replacing it with the following:
- “• in relation to wildfire hazard, include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures.”;

- (g) Deleting references to the “Community Housing Needs Committee” in policies 8.1.3, 8.1.9 and 8.1.24 of **Section 8.1** of **Chapter 8** and replacing them with the words “Social Planning and Housing Committee”;

- (h) Deleting the existing policy 8.1.45 from **Section 8.1** of **Chapter 8** and replacing it with the following:

“.45 **Cluster Housing.** Encourage, especially in environmentally sensitive areas (see Map 7.1), the creation of cluster housing with the aim of maximizing amenity space and lessening environmental impact, including retention of steep sloped areas as natural open space, public or private. In the absence of an OCP amendment providing for higher densities, the unit yield achieved as a result of clustering should not exceed that which would be available if developable portions of the site were built out as per the prevailing OCP Future Land Use designation. The intent of the clustering would be to preserve features that otherwise could be developed.”

- (i) Deleting the existing paragraph **Properties Affected** from **Section 8.2** of **Chapter 8** and replacing it 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 zoned for Institutional 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.;

- (j) Deleting the existing paragraph **Properties Affected** from **Section 9.2** of **Chapter 9** and replacing it with the following:

**“Properties Affected**

Unless a Development Permit waiver has been issued, all properties that are currently, or become, zoned for Commercial uses along designated corridors shown on **Map 6.2**, or zoned for Commercial uses in or adjacent to a residential neighbourhood, or zoned for Institutional or Comprehensive Development uses 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.;

- (k) Deleting the existing paragraph **Properties Affected** from **Section 10.2** of **Chapter 10** and replacing it with the following:

**“Properties Affected**

Unless a Development Permit waiver has been issued, all properties that are currently, or become, zoned for Industrial uses along designated corridors shown on **Map 6.2**, or zoned for Institutional or Comprehensive Development uses 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.;


- (l) Deleting the existing policy 14.1.32 from **Section 14.1** of **Chapter 14** and replacing it with the following:

“.32           **Linear Park Dedications.** At subdivision for all development types and at rezoning for multiple unit housing, commercial, industrial and institutional developments, secure a 10-metre statutory right-of-way for public access where trails are included in **Table 14.1** and/or are shown on **Map 14.2**. The 10-metre access corridor may be in addition to, and outside, any riparian reserve zone requirements imposed through the Environment Chapters of the OCP. On the private property side of the public access corridor, the City may, as necessary, consider stipulating additional “no disturb” zones. Lot line adjustments or other subdivision applications not resulting in the creation of new lots suitable for the construction of buildings permitted under the applicable zoning will be considered exempt from this policy.”;

- (m) Inserting the following new table after policy 14.1.48 of **Section 14.1** of **Chapter 14** and adding the table to the **List of Tables** in the appropriate location:

**“Table 14.1 – Creek Corridor Public Access Routes of Access**

Creek	Location	Creek Reach
Bellevue Creek	Both sides	South arm – Lake Okanagan to City boundary
Bertram Creek	Both sides	Lake Okanagan to City Boundary
Brandt's Creek	Both sides	West arm – Drake Road to Summit Drive
Brandt's Creek	Both sides	Ellis Street to Lake Okanagan
Cedar Creek	Both sides	Lake Okanagan to City Boundary
Fascieux Creek	Both sides	Lake Okanagan to Lakeshore Road
Francis Brook	Both sides	Sumac Road to Highway 97 North
Gopher Creek	Both sides	Springfield Road to northeast of Old Joe Rich Road
KLO Creek	Both sides	Mission Creek to City Boundary
Lebanon Creek	Both sides	Cedar Creek to City Boundary
Mill Creek	Both sides	Lake Okanagan to City Boundary
Mission Creek	Both sides	Lake Okanagan to City Boundary
Priest Creek	Both sides	South of Balldock Road to City Boundary
Wilson Creek	North side	Lake Okanagan to Gordon Drive

- (n) Adding the following to **Section 17.6** of **Chapter 17**:
- (i) the words “8.1.22 Implementation Indicators” in the appropriate location under the fourth bullet;
  - (ii) the words “ Note Chapter 14 – Parks and Leisure Policy 14.1.35 Accessibility” as a new seventh bullet;
  - (iii) the words “15.1.2 Urban Centre Focus” in the appropriate location under the eighth bullet;
- (o) Deleting the existing paragraph **Rural/Agricultural** from under the sub-heading **Land Use Designations** and replacing it with the following:
- “Rural Agricultural**  
Land within the Agricultural Land Reserve and other rural farm and non-farm lands where natural physical constraints or lack of services and utilities limit land use intensification. Generally land areas within this designation will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of industrial or park/recreation uses. Non-ALR lands will generally not be supported for development to parcel sizes less than 4.0 ha (10 acres).”;
- (p) Deleting all references to specific Provincial ministries or agencies, including but not limited to MWLAP, LRC, MAFF, MoT, MoHS, MoF, MAF, MoEM, MCAWS, and replacing them with the words “appropriate provincial ministry or agency”;
  - (q) Deleting the reference in policy 17.5.3 of **Section 17.5** of **Chapter 17** to “Multi-cultural Society” and replacing it with the words “Intercultural Society of Central Okanagan”;
  - (r) Deleting the existing **Map 6.2 Urban Development Permit Area Designation** and replacing it with the new **Map 6.2 Urban Development Permit Area Designation** which is attached hereto as Schedule “A”;

- (s) Deleting the existing **Map 7.1 Natural Environment/Hazardous Condition DP Areas** and replacing it with the new **Map 7.1 Natural Environment/Hazardous Condition DP Areas** which is attached hereto as Schedule "B";
  - (t) Deleting the existing **Map 11.2 Urban – Rural Agricultural Boundaries** and replacing it with the new **Map 11.2 Urban – Rural Agricultural Boundaries** which is attached hereto as Schedule "C";
  - (u) Deleting the existing **Map 12.1 20 Year Major Road Network Plan** and replacing it with the new **Map 12.1 20 Year Major Road Network Plan** which is attached hereto as Schedule "D";
  - (v) Deleting the existing **Map 14.2 Linear Park Concept Plan** and replacing it with the new **Map 14.2 Linear Park Concept Plan** which is attached hereto as Schedule "E"; and
  - (w) Deleting the existing **Map 19.1 Generalized Future Land Use** and replacing it with the new **Map 19.1 Generalized Future Land Use** which is attached hereto as Schedule "F".
2. If any statement, section, sub-section, clause, sub-clause or phrase of this bylaw and the official community plan adopted by this bylaw is for any reason held to be invalid by a decision of a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the bylaw and official community plan.

Read a first time by the Municipal Council this 18<sup>th</sup> day of May, 2004.

Amended at first reading by the Municipal Council this       day of       , 200 .

Considered at a Public Hearing on the       day of       , 200 .

Adopted by the Municipal Council of the City of Kelowna this       day of       , 200 .

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Mayor

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City Clerk