

CITY OF KELOWNA

BYLAW NO. 9632

Official Community Plan Amendment No. OCP06-0014 – Text Amendment (Commercial Land Use Policies) to Bylaw No. 7600 *Kelowna 2020 – Official Community Plan*

WHEREAS Council wishes to adopt certain commercial 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. THAT the **Definitions** section be amended by:
 - (a) deleting the definition of **Village Centre** in its entirety and replacing it with the following:

Village Centre (Glenmore / North Mission / Kettle Valley / Neighbourhood 3 / University / Black Mountain / Guisachan / Capri / other villages within the City Centre) - means a cluster of small-scale, residential, retail, and office uses, which provide for convenience needs of area residents. Village Centres are located along an arterial or collector road and would typically be located more than two kilometres from other City or Town Centre commercial facilities. The total commercial component of such a centre is no larger than 9,300 m². One “anchor” may account for up to 30% of the total floor space, but individual stores would typically be a maximum of 140 m² (restaurants might be slightly larger). Typical zoning would be C3 Community Commercial.

- (b) deleting the definition of **Neighbourhood Centre** in its entirety and replacing it with the following:

Neighbourhood Centre (Glenmore Highlands / Okanagan Mission — means a small node (max. 3,000 m²) of retail/service outlets located along an arterial or collector road. Neighbourhood Centres provide limited goods/services for the convenience needs of nearby residents. One “anchor store” may account for up to 235 m² of floor space, but individual stores are rarely larger than 140 m² (restaurants might be somewhat larger). Generally, Neighbourhood Centres would be located more than one kilometre from City or Town Centre commercial facilities. Typical zoning would be C2 Neighbourhood Commercial.

- (c) adding a new definition for **Convenience Facility** under the description of **Urban Centre** as follows:

Convenience Facility – means is a small node (max. 525m²) of retail/service outlets located along an arterial or collector road. Convenience Facilities provide limited goods/services for the convenience needs of nearby residents. One “anchor store” may account for up to 235m² of floor space, but individual stores are rarely larger than 140m². Businesses with drive through windows are not considered appropriate in a neighbourhood convenience setting. Convenience Facilities should not be located within one kilometre of City, Town or Village Centre commercial facilities. Typical zoning would be C1 Local Commercial.

2. AND THAT **Chapter 8 – Housing**, sub-section **8.1 Housing Policies**, be amended by deleting existing policy 8.1.33 **Uses within Residential Neighbourhoods**, and replacing it with the following:

“.33 **Uses within Residential Neighbourhoods.** In the areas where Map 19.1 shows future land uses as being Single / Two Unit Residential housing, generally limit non-residential activities to neighbourhood parks, care centres (up to 25 people) and minor utility / public service uses (see Land Use chapter for definition) which do not cause substantial increases in traffic, parking demands or noise;”.

3. AND THAT **Chapter 9 – Commercial**, sub-section **9.1 Commercial Policies**, be amended by

- (a) adding the following new policies ahead of the existing policy 9.1.11 **Location of New Commercial**, and renumbering existing policies 9.1.11 to 9.1.13 appropriately:

“.11 **Non-Commercial Areas.** Direct commercial developments seeking rezoning (to other than C1) not supported by the OCP Future Land Use Map to locate on currently designated and/or zoned commercial sites. If there are no suitable designated or zoned commercial sites, other sites may be considered provided that such sites are indicated in the City’s Servicing Plan as being provided with full urban services, including sanitary sewer as indicated on OCP Map 13.2, within the OCP’s time horizon. Furthermore, if the argument is made that there are no suitable sites, the City should require the development proponent to fund a Retail Impact Analysis identifying the Urban Centre impacts of allowing the requested rezoning, using Terms of Reference developed by the City;”;

“.12 **Transportation Network Impacts.** Consider the rezoning of properties along the Highway Commercial corridor (including Enterprise and Springfield Roads) to allow commercial use beyond those currently provided for by the Official Community Plan only once the City has completed a comprehensive review to determine:

- how much additional traffic will be generated by future development within existing zoning;
- how much additional traffic can be accommodated on the roads within the Highway 97 corridor;
- when road capacity limits are likely to be reached;
- potential measures to reduce congestion in the corridor;
- potential implications for the OCP 20-year Major Road Network plan; and
- need for implementation of additional phases of the Central Okanagan Bypass”;

“.13 **Land Use Contracts.** Support efforts to discharge or remove Land Use Contracts, especially those with potential major impact to OCP objectives;”;

- (b) deleting existing policy 9.1.14 **Office Building Locations**, renumbering it to 9.1.17, replacing it with the following, and renumbering all subsequent policies appropriately:

“.17 **Office Building Location.** Encourage office buildings providing more than 929 m² (10,000 sq. ft.) of leasable space to locate in the City Centre or the Town Centres. This policy does not include offices integral to business park / industrial uses and “corporate offices” allowable under relevant industrial zones.”;

- (c) adding the following new policies at the end of sub-section 9.1:

“.34 **Southwest Mission Commercial.** Encourage the commercial component of the Southwest Mission Sector Plan to accommodate approximately 14,000 to 18,600 m², between Kettle Valley and Neighbourhood 3, in line with the OCP Village Centre definition.”;

“.35 **Corner Lot Development.** Generally encourage commercial developments in transition areas, consistent with OCP Future Land Use direction but requiring rezoning, to occur on corner locations first, rather than on mid-block locations.”;

“.36 **Commercial Along Major Roads.** Discourage new commercial developments (other than C1 developments) along the City’s major roads where such uses have not been provided for on the OCP Future Land Use map.

“.37 **Conversion from C10.** Discourage the conversion of C10 Service Commercial zoned areas to C3, C4 or C7 zoning, outside of Urban Centres. The City, depending on site-specific circumstances, may support the conversion of C10 Service Commercial zoned sites to C3, C4 or C7, within Urban Centres.”;

“.38 **Retail Impact Analysis.** Require that any commercial rezoning application over 2,300 m² and outside designated Urban / Village / Neighbourhood Centres, as identified in OCP Map 6.2 and the Urban Centre definitions, fund a Retail Impact Analysis identifying associated Urban Centre impacts.”;

4. AND THAT **Chapter 10 – Industrial**, sub-section **10.1 Industrial Policies**, be amended by adding a new policy 10.1.33 **New Industrial Zone**, as follows and renumbering all subsequent policies:

“.33 **New Industrial Zone.** Discourage properties from being rezoned to I1 Business Industrial. Instead, applicants should be encouraged to pursue a new industrial zone which would be based on the I1 Zone, but would preclude “offices” as a permitted use.”;

5. AND THAT **Chapter 19 – Future Land Use**, sub-section **Mapping Designations and Notes**, be amended by deleting the paragraph entitled **Single/Two Unit Residential** and replacing it with the following:

“Single/Two Unit Residential

Single detached homes for occupancy by one family, single detached homes with a secondary suite, semi-detached buildings used for two dwelling units, modular homes, bareland strata, and those complementary uses (i.e. minor care centres, minor public services/utilities, and neighbourhood parks), which are integral components of urban neighbourhoods. Suitability of non-residential

developments within the neighbourhood environment will be determined on a site-specific basis, or according to policies developed in local area or other plans.”;

6. AND THAT existing **Map 6.2 Urban Development Permit Area Designation** be deleted and replaced with the new **Map 6.2 Urban Development Permit Area Designation** which is attached hereto as Schedule “A”;
7. AND THAT the existing **Map 19.1 Generalized Future Land Use** be deleted and replaced with the new **Map 19.1 Generalized Future Land Use** which is attached hereto as Schedule “B”;
8. AND THAT cross-referencing resulting from the insertion of new policies within Chapter 9 and 10 be updated.
9. 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 day of , 2006.

Considered at a Public Hearing on the day of , 2006.

Read a second and third time and be adopted by the Municipal Council of the City of Kelowna this day of , 2006.

Mayor

City Clerk