

REPORT TO COUNCIL



Date: October 19, 2012
File: 1200-30
OCP12-0012 / BL 10753
To: City Manager
From: Planner Specialist
Subject: OCP 2030 Bylaw 10500 - Miscellaneous Amendments

Recommendation:

THAT OCP Bylaw Text Amendment No. OCP12-0012 to amend Kelowna 2030 - Official Community Plan Bylaw No. 10500 as outlined in the Report of the Planner Specialist dated October 19, 2012 be considered by Council;

AND THAT Council confirms that OCP Bylaw Text Amendment No. OCP12-0012 has been considered in conjunction with the existing Financial Plan;

AND THAT OCP Bylaw Text Amendment No. OCP12-0012 be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT staff be directed to pursue the consultation process outlined in the Report of the Planner Specialist dated October 19, 2012 and report back to Council prior to scheduling OCP Amending Bylaw No. 10753 to a Public Hearing.

Purpose:

To proceed with miscellaneous amendments to the Official Community Plan based on staff initiated policy and map changes.

Background:

As a result of the continued growth and evolution of the city, including new land acquisitions, changes in Council policy and on-going development approvals, staff have identified minor changes that are necessary to the OCP to keep pace. The full list of proposed amendments is itemized in Attachment 1.

At the September 10, 2012 Council Meeting, Bylaw No. 10686 (TA12-0005) was adopted to amend the Official Community Plan to reflect changes in secondary suite policy. The term "Secondary Suite" is now defined as an additional residential unit specifically located within the footprint of the primary dwelling. The term "Carriage House" is now defined as any residential unit located within an accessory building. A specific suite designation is no longer required for a secondary suite but one is required to have a conforming carriage house.

A handwritten signature in black ink, appearing to be a stylized 'W' or similar mark.

The recent change to the Secondary Suite policy, and subsequent Zoning Bylaw text amendment for “Carriage House”, triggers changes to the Official Community Plan in several different chapters, including: Chapter 2, Chapter 3 - New Housing Distribution, Chapter 4 - FLU Designations, Chapter 5 - Policy 22.12, Chapter 14, Chapter 15, Chapter 16, and Chapter 17.

Refinement of the GIS legal lots layer occurs as new subdivisions are approved and registered and amendments are recommended to ensure that the Future Land Use mapping matches the revised GIS lots layer. Refinements are also suggested to ensure maps reflect recent park land acquisitions. Proposed mapping changes are indicated in Attachments 2 through 11.

To fully incorporate Council’s direction relating to endorsement of the Housing Strategy (November 7, 2011) a new policy (Family Housing) is being recommended for inclusion in the OCP.

Another change for consideration is to amend the DP exemption in all sections of Chapter 14 - Urban Design Development Permit Areas, to exempt building alterations or additions for single storey accessory structures (*4.5m in height*) with less than 30m² of floor space. A new exemption is also proposed for all sections of Chapter 14 - which states that “construction, addition or alteration not to exceed 45 m² (484 sq. ft) for a single storey building (*4.5m in height*) when the building is non-habitable space and where no variance(s) of the Zoning Bylaw are required”. This would allow the construction of a typical single storey double garage without a DP.

Also required is an amendment to Chapter 17 - Definitions, to remove a duplicate entry for Accessory Rental Apartments. This term has been included twice due to an editing error and needs to be corrected.

Internal Circulation:

General Manager of Community Sustainability
Community Planning Manager
Urban Land Use Manager
Manager, Parks & Public Spaces

Legal / Statutory Authority:

Local Government Act Part 26: Division 2 - Official Community Plans, Sections 875 - 882.

Legal/Statutory Procedural Requirements:

Local Government Act Section 882(3) specifies that after first reading (and prior to Public Hearing) of an Official Community Plan bylaw the local government must, in sequence, consider the plan in conjunction with its financial plan and any waste management plan applicable.

External Agency/Public Comments:

Local Government Act Section 879 (1) specifies that a local government must, during the development, repeal or amendment of an official community plan, provide one or more

opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. This consultation is in addition to the required public hearing.

The requirement for consultation over and above the Public Hearing will be addressed by advertising in a local newspaper, posting information on the website and notification through e-subscribe, with contact information for the Planner Specialist to field inquiries and comments. The results of that consultation will be provided to Council at the Public Hearing.

The Local Government Act also provides that where a bylaw amendment includes land use changes that encompass more than 10 properties, owned by 10 or more individuals there is no requirement to notify adjoining property owners. In this case the City owns the majority of the properties in question and therefore it is necessary to notify all adjoining property owners within 50 m of the subject properties, in writing.

Existing Policy:

Kelowna OCP 2030 Bylaw 10500
Bylaw No. 10686 (TA12-0005 - Secondary Suites / Carriage Houses)

Considerations not applicable to this report:

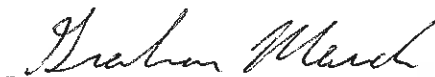
Financial/Budgetary Considerations:

Communications Comments:

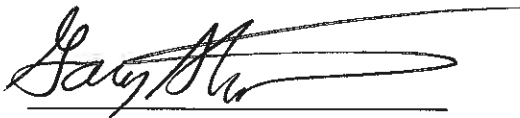
Personnel Implications:

Alternate Recommendation:

Submitted by:



Graham March,
Planner Specialist, Policy and Planning



Gary Stephen,
Manager of Long Range Planning

Approved for inclusion:

Signe Bagh,
Director of Policy & Planning



cc: General Manager, Community Sustainability
Community Planning Manager
Urban Land Use Manager
Manager, Parks & Public Spaces

Attachment 1 - Proposed OCP Amendments
Attachments 2 - 11 - Proposed Future Land Use Map Amendments

Attachment 1

Proposed OCP Amendments

1. Amend Chapter 2 - **Regional Context - Housing** (proposed new wording is underlined) to add a reference to “carriage house”:

From a housing perspective the City of Kelowna projects the need for approximately 20,100 units by the year 2030 to accommodate the projected growth within the City. Those housing units encompass a range of housing options from low density traditional single detached neighbourhoods to secondary suites/carriage houses, attached homes, town housing as infill and apartments from traditional 4 storey walk-ups to high rise condominiums, including mixed use commercial - residential development in urban centres.

2. Amend Chapter 3 - **Table 3.5 - New Housing Distribution** (proposed new wording is underlined):

Amend Table 3.5 New Housing Distribution row for “Secondary Suites” to include “Secondary Suites/Carriage Houses”

3. Amend Chapter 4 - **Single / Two Unit Residential and Single / Two Unit Residential - Hillside Designations** (proposed new wording is underlined):

Single / Two Unit Residential

Single detached homes for occupancy by one family, single detached homes with a secondary suite or carriage house, 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. Non-residential developments causing increases in traffic, parking demands or noise in excess of what would typically be experienced in a low density neighbourhood would not be considered suitable.

Single / Two Unit Residential - Hillside

Single detached homes for occupancy by one family, single detached homes with a secondary suite or carriage house, semi-detached buildings used for two dwelling units, modular homes, and those complementary uses (i.e. minor care centres, minor public services / utilities, and neighbourhood parks), which are integral components of urban neighbourhoods. This designation applies to suburban hillside areas where slopes are over 20%. Subdivisions on hillsides over 20% slope will be required to rezone to a hillside zone.

4. Amend **Map 4.1 - Generalized Future Land Use** to change the designation of properties located at 969 Raymer Rd and 979 Raymer Rd from Single / Two Unit Residential to Major Park & Open Space - City has acquired these site (Attachment 2)
5. Amend **Map 4.1 - Generalized Future Land Use** to adjust the boundary for the Glenmore Recreation Park (Attachment 3).
6. Amend **Map 4.1 - Generalized Future Land Use** to change FLU for (N of) Kincaid Road from Single / Two Unit Residential to Major Park / Open Space (Attachment 4)
7. Amend **Map 4.1 - Generalized Future Land Use** to change FLU for 781 Varney Court and 4711 Gordon Drive from Single / Two Unit Residential to Major Park / Open Space (Attachment 5)
8. Amend **Map 4.1 - Generalized Future Land Use** to change FLU for 5581 South Perimeter Way from Resource Protection Area to Major Park / Open Space (Attachment 6)
9. Amend **Map 4.1 - Generalized Future Land Use** to change FLU for 1896 Marshall Street from Single / Two Unit Residential to Major Park / Open Space (Attachment 7)
10. Amend **Map 4.1 - Generalized Future Land Use** to change FLU for Strata Lots 1 - 10 of 180 Sheerwater Court from Resource Protection Area to Major Park / Open Space and from Major Park / Open Space to Resource Protection Area (Attachment 8)
11. Amend **Map 4.1 - Generalized Future Land Use** to change FLU for a portion of Sutherland Avenue from Mixed Use (Residential/Commercial) to Major Park / Open Space (Attachment 9)
12. Amend **Map 4.1 - Generalized Future Land Use** to change FLU for 2157 Highway 33 East from Resource Protection Area to Major Park / Open Space (Attachment 10)
13. Amend **Map 4.1 - Generalized Future Land Use** to change FLU for 1840 Gallagher Road from Resource Protection Area to Major Park / Open Space (Attachment 11)
14. Amend Chapter 5 - **Policy 5.22.12** (proposed new wording is underlined; wording to be deleted in ~~strikethrough~~):

Carriage Houses and Accessory Apartments. Support, carriage houses and accessory apartments through appropriate zoning regulations.

15. Add a new policy under Objective 5.22 as Policy 5.22.13 as well as adding the Economic Sustainability and Social Sustainability icons as follows (proposed new wording is underlined):

Family Housing. Support housing alternatives for families when single detached housing is too costly, including features that are important to families such as: outdoor space, direct access to grade, workshop space, larger units, safe design, and neighbourhood characteristics (e.g.: location and amenities).

16. Amend Chapter 14 - **Urban Design DP Guidelines - Sections A, B, C, D, E - Exemptions** (proposed new wording is underlined):

Construction, addition or alteration not to exceed 30 sq. m (323 sq. ft) for a single storey accessory structure (4.5 m in height) is proposed and where no variance(s) of the Zoning Bylaw are required; or.

18. Add new exemption to Chapter 14 - **Urban Design DP Guidelines - Sections A, B, C, D, E - Exemptions** (proposed new wording is underlined):

Construction, addition or alteration not to exceed 45 sq. m (484 sq. ft) for a single storey building (4.5 m in height) where the building is non-habitable space and where no variance(s) of the Zoning Bylaw are required; or

19. Amend Chapter 14 - **Urban Design DP Guidelines Section C - Intensive Residential - Secondary Suite Two Dwelling Housing Design Guidelines** (proposed new wording is underlined; deleted wording in ~~strikethrough~~):

C. INTENSIVE RESIDENTIAL - ~~SECONDARY SUITE~~ CARRIAGE HOUSE / TWO DWELLING HOUSING DESIGN GUIDELINES

20. Amend Chapter 14 - **Intensive Residential - Section C - Properties Affected** (proposed new wording is underlined; deleted wording in ~~strikethrough~~):

Properties Affected

Unless exempted (see Exemptions Section below) a development permit addressing design guidelines (see Guidelines Section below) must be approved for all properties that are currently, or become, zoned for carriage house, boarding or lodging house, or two dwelling housing uses before:

- Construction of, addition to, or alteration of a building or structure.

A two dwelling project that requires an Intensive Residential - Hillside DP does not require an Intensive Residential - ~~Secondary Suite~~ Carriage House / Two Dwelling Housing DP.

21. Amend Chapter 15 - **Farm Protection DP Guidelines** (proposed new wording is underlined):

Properties Affected

- 1) b. ix. temporary farm worker housing

22. Amend Chapter 15 - **Farm Protection DP Guidelines - Guideline 1.3** (proposed new wording is underlined; wording to be deleted in ~~strikethrough~~):

1.3 On agricultural and non-agricultural lands, establish and maintain a landscape buffer along the agricultural and/or property boundary, except where development is for a permitted farm use that will not encourage public attendance and does not concern additional residences (including ~~secondary suites~~ carriage houses), in accordance with the following criteria:

23. Amend Chapter 16 - **Heritage Conservation Area Guidelines - Site Layout and Parking** (proposed new wording is underlined; wording to be deleted in ~~strikethrough~~):

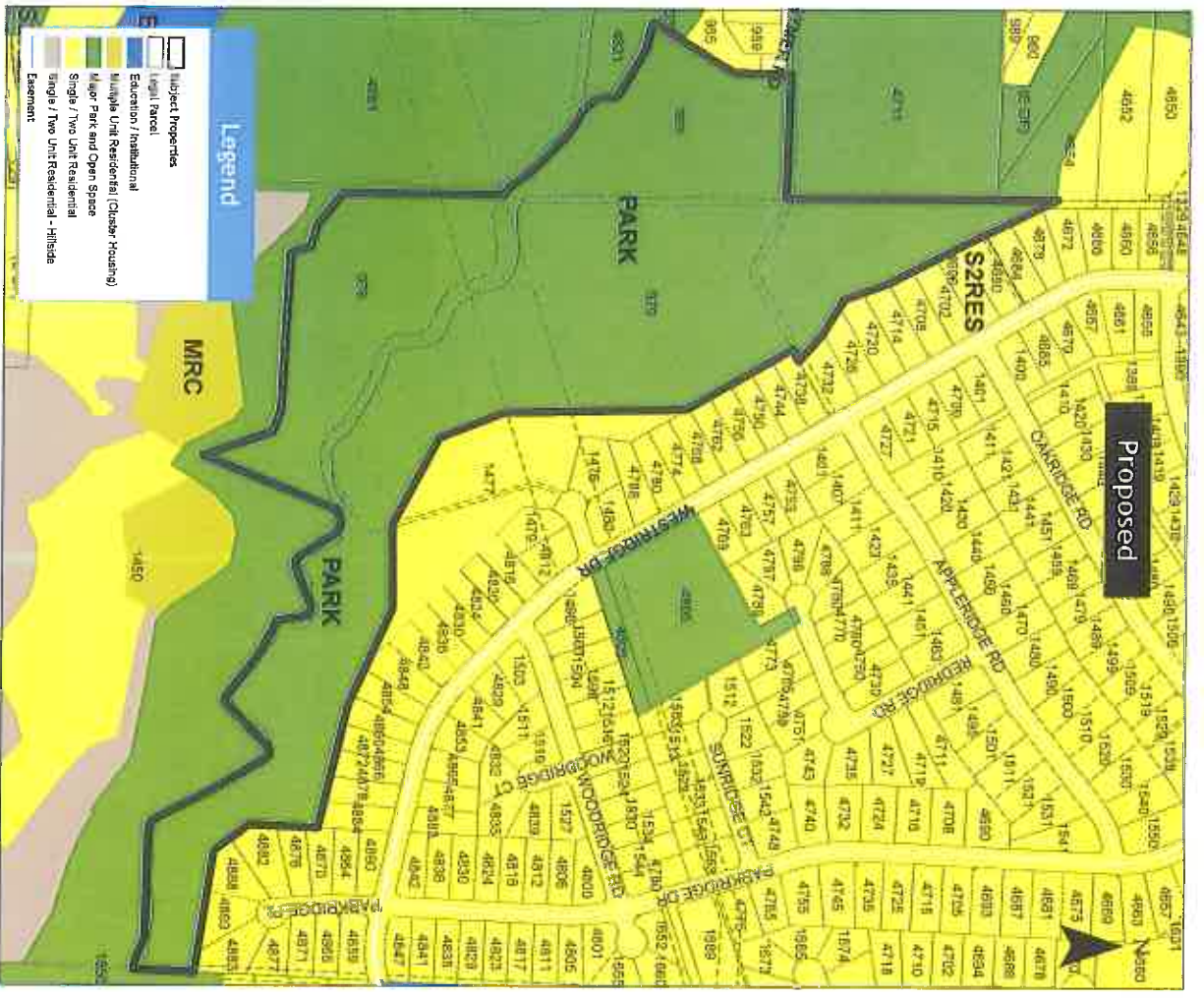
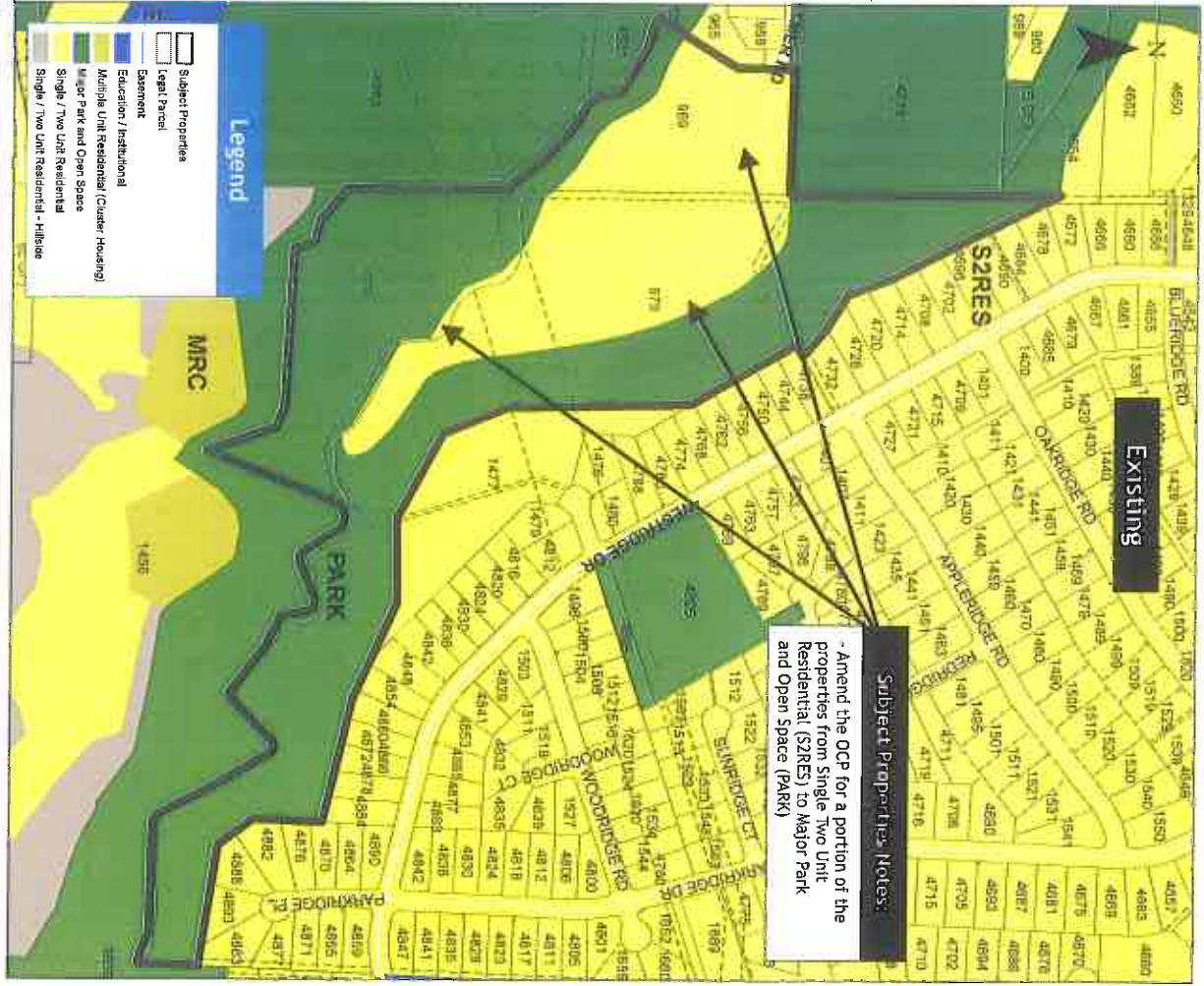
~~Secondary suites~~ Carriage houses over garages, when permitted, are encouraged to draw architectural design inspiration from the principle residence.

24. Amend Chapter 17 - **Definitions** (proposed wording to be deleted in ~~strikethrough~~):

Remove the duplicate entry above "Auto-Oriented Development":

~~**Accessory Rental Apartment.**~~

~~Development sites containing prominent, large parking areas for businesses that primarily sell products of sufficient size or quantities that transportation other than by a vehicle is not practical.~~



Proposed OCP Land Use Amendments

Bylaw 10753 - Attachment # 2

September 2012



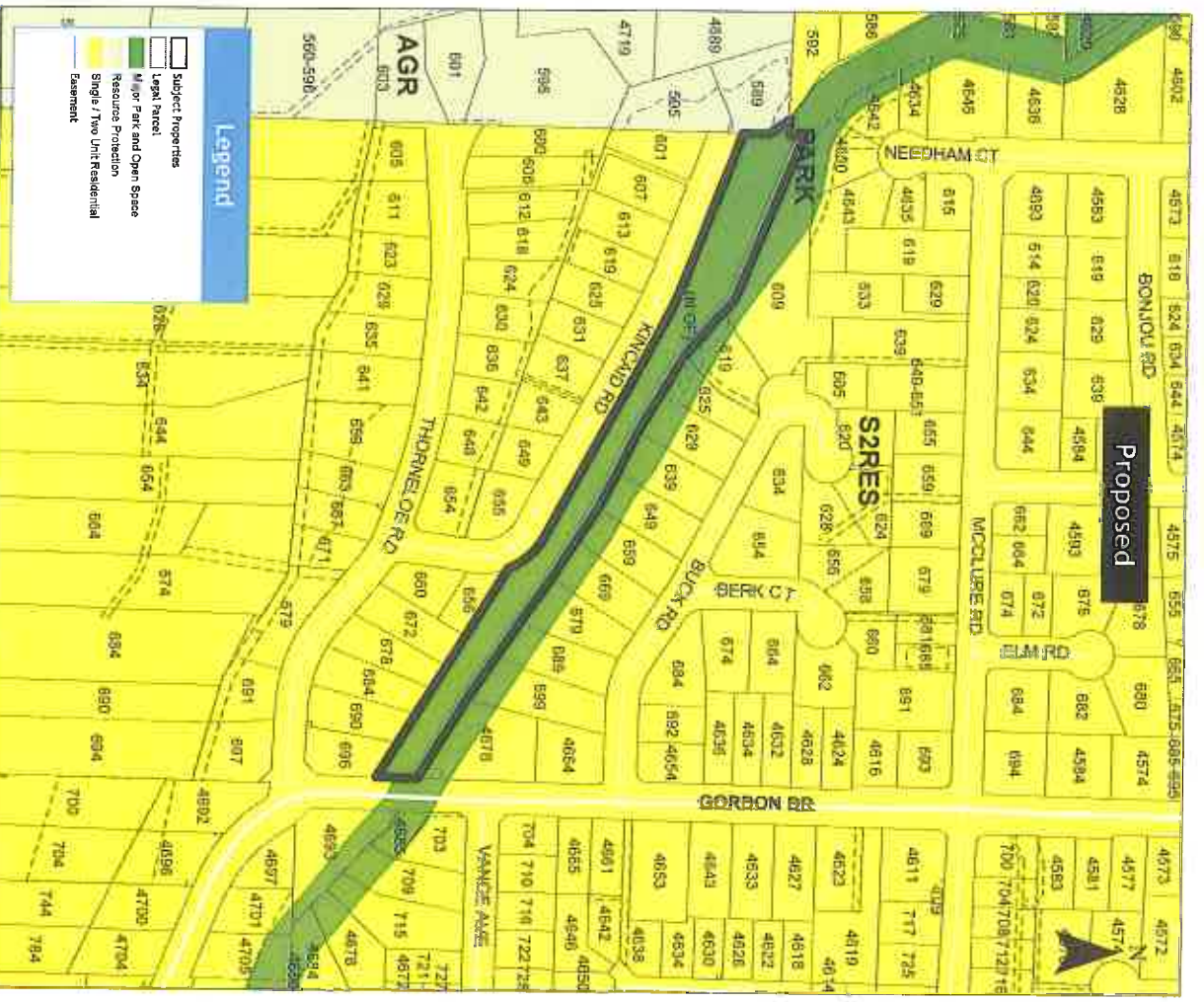
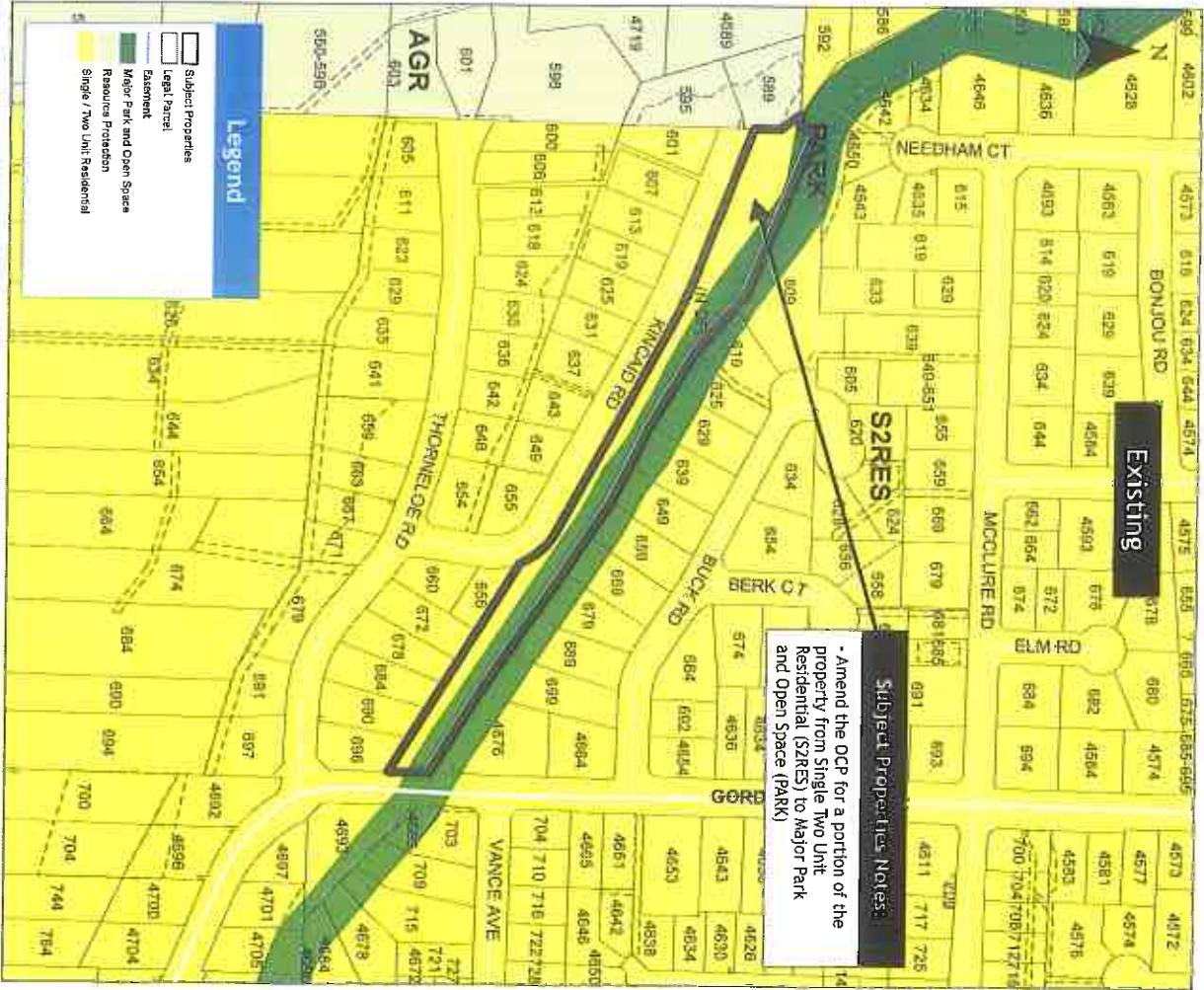


Proposed OCP Land Use Amendments

Bylaw 10753 - Attachment # 3

September 2012



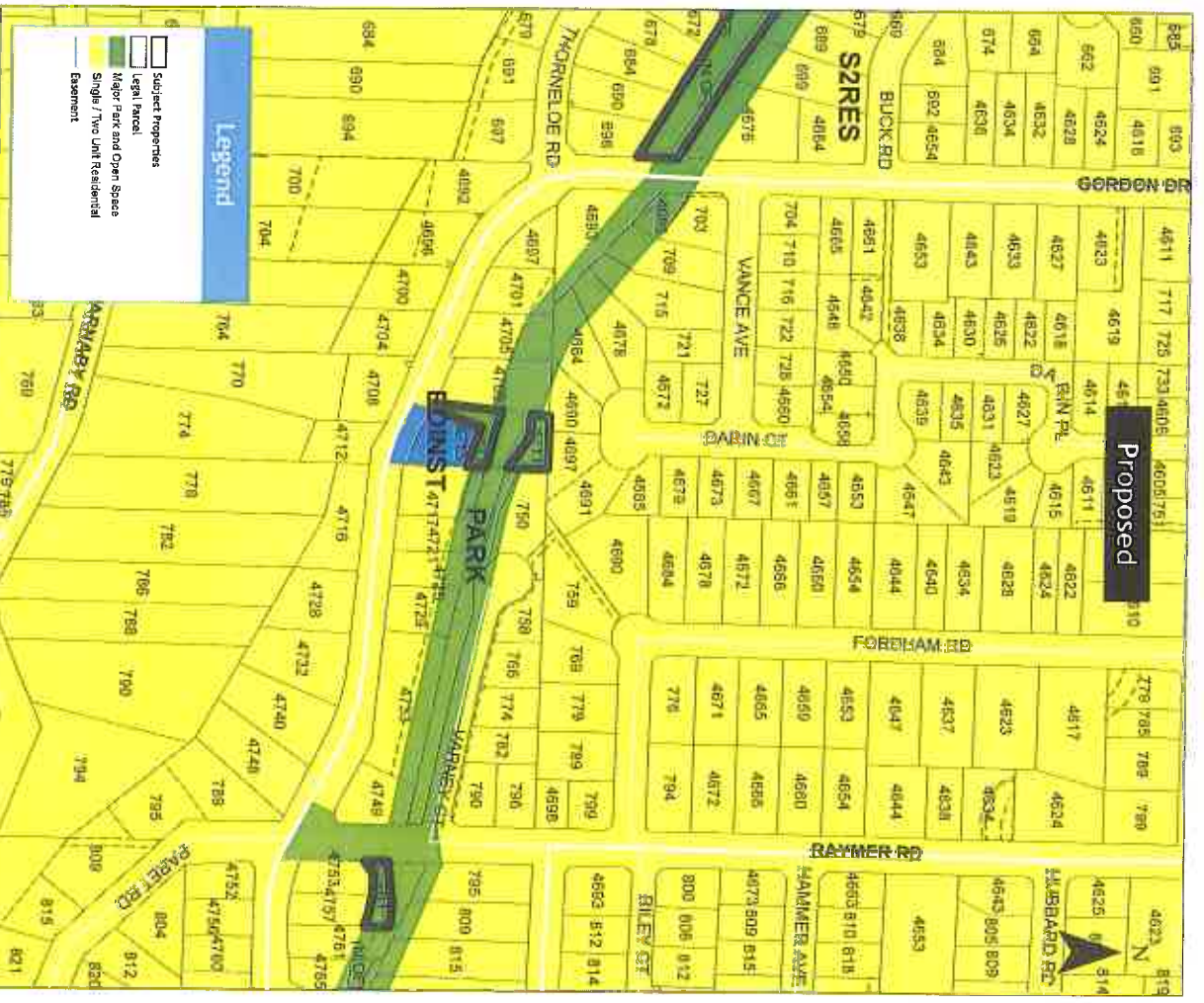
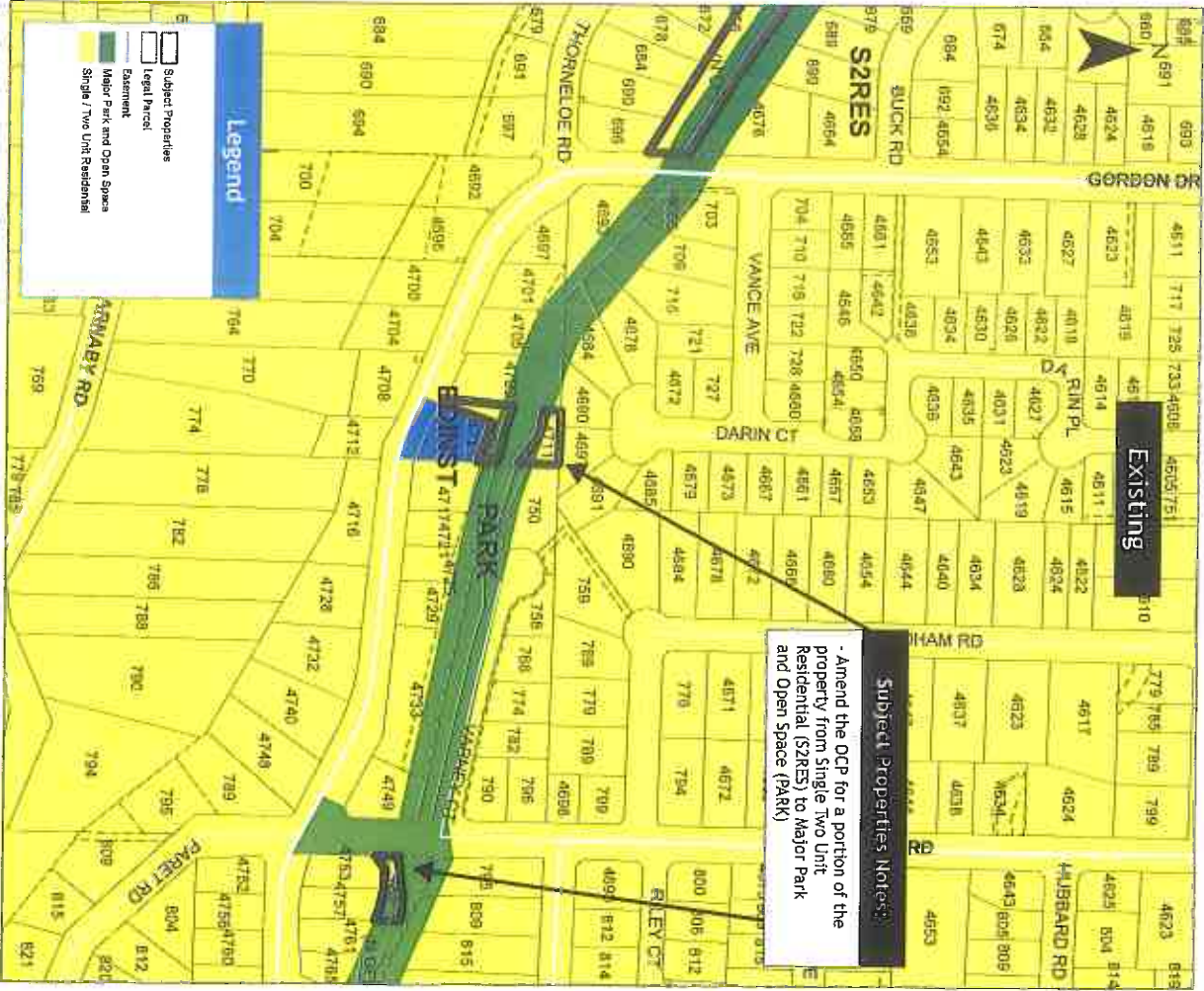


Proposed OCP Land Use Amendments

Bylaw 10753 - Attachment # 4

October 2012



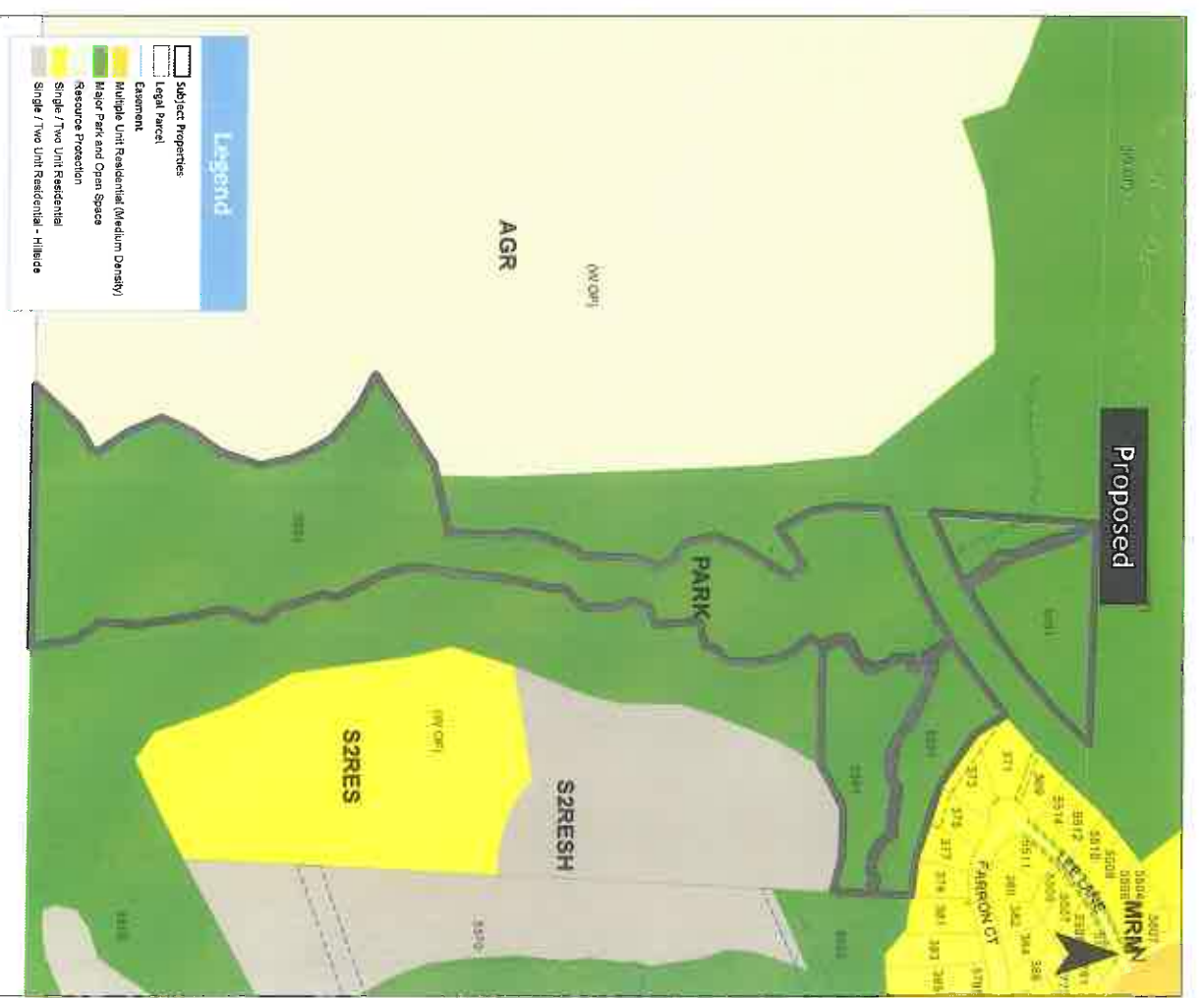
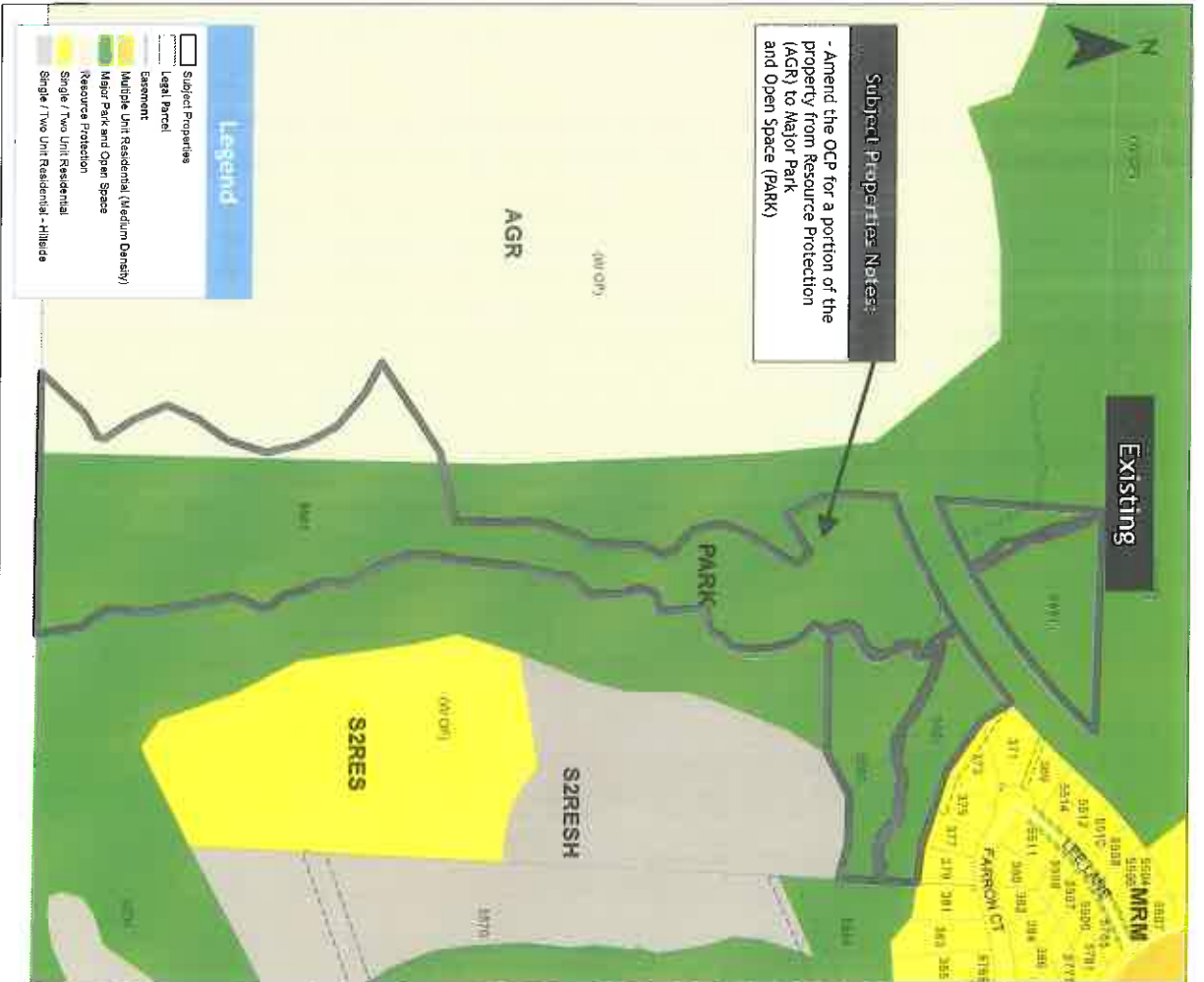


Proposed OCP Land Use Amendments

Bylaw 10753 - Attachment # 5

October 2012



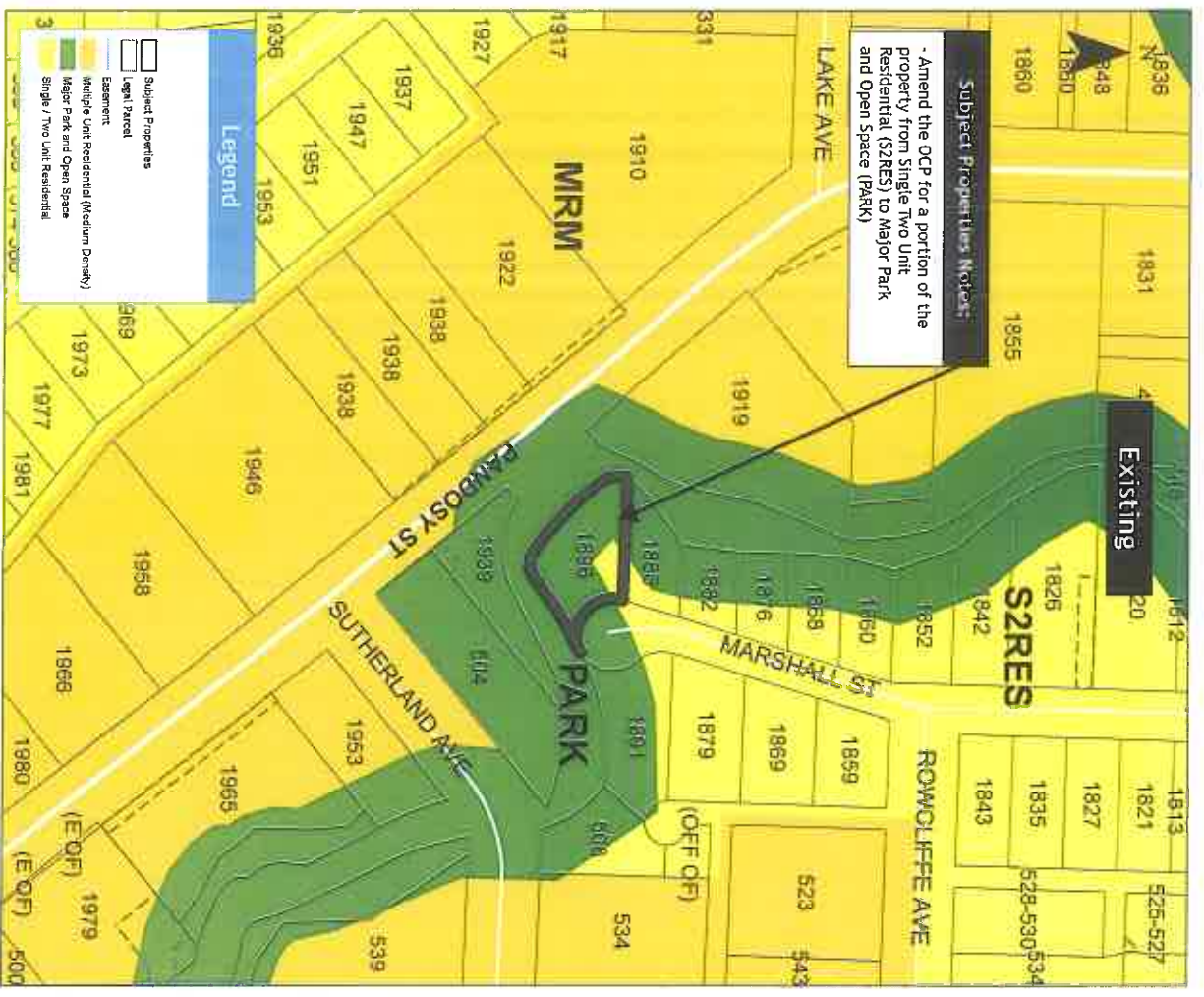


Proposed OCP Land Use Amendments

Bylaw 10753 - Attachment # 6

October 2012





Proposed OCP Land Use Amendments

Bylaw 10753 - Attachment # 7

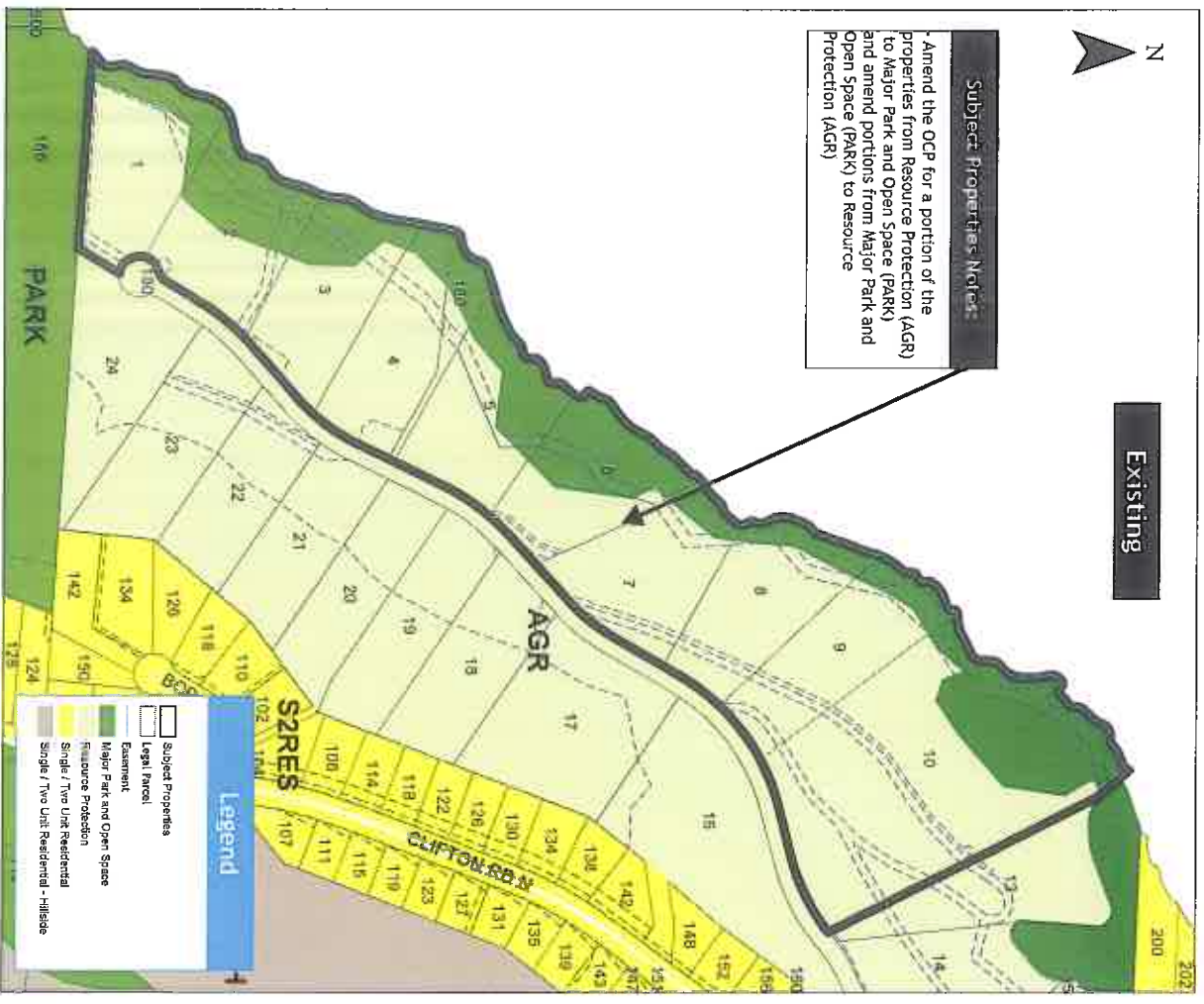
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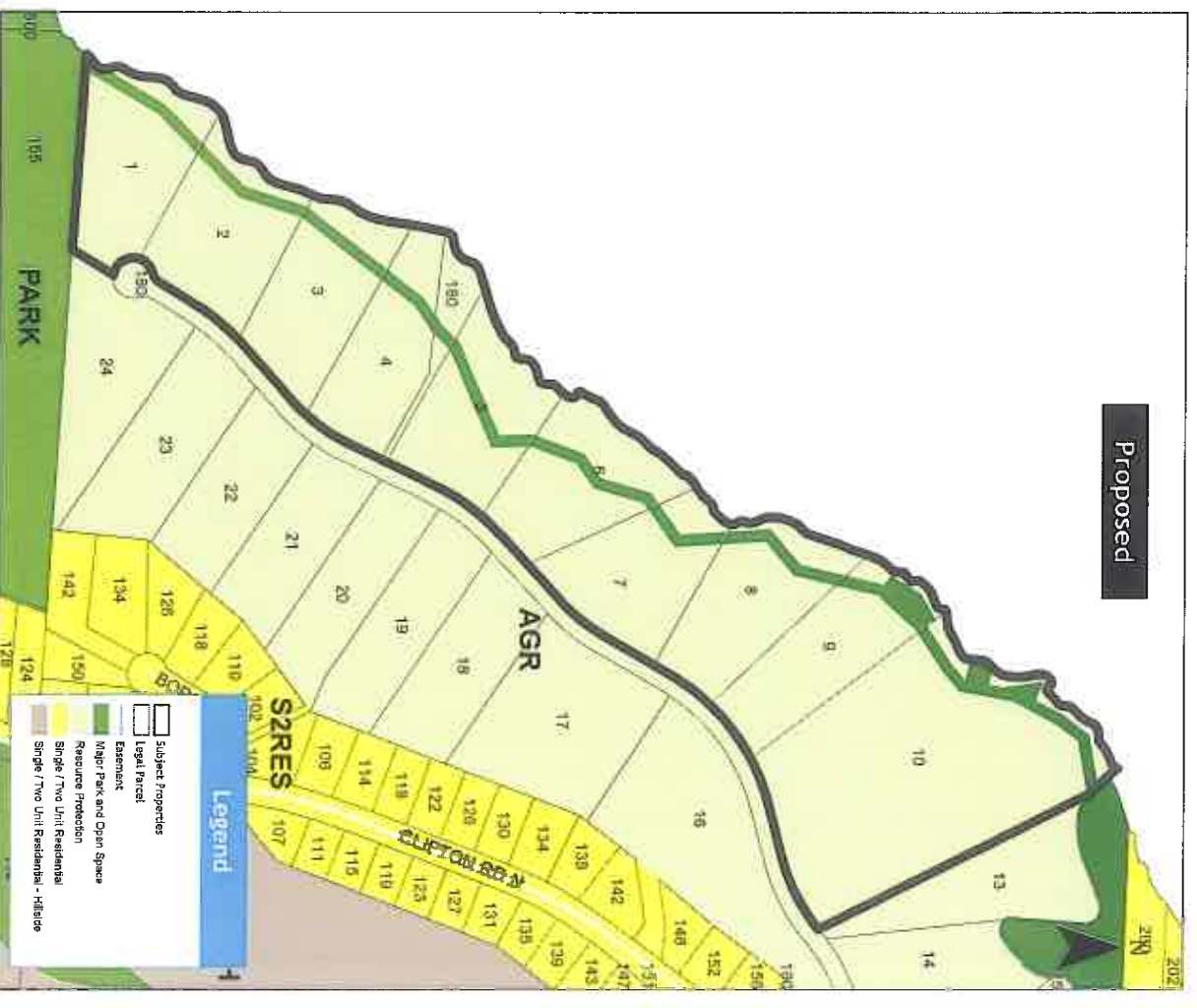


Existing

Subject Properties Notes:
Amend the OCP for a portion of the properties from Resource Protection (AGR) to Major Park and Open Space (PARK) and amend portions from Major Park and Open Space (PARK) to Resource Protection (AGR)



Proposed

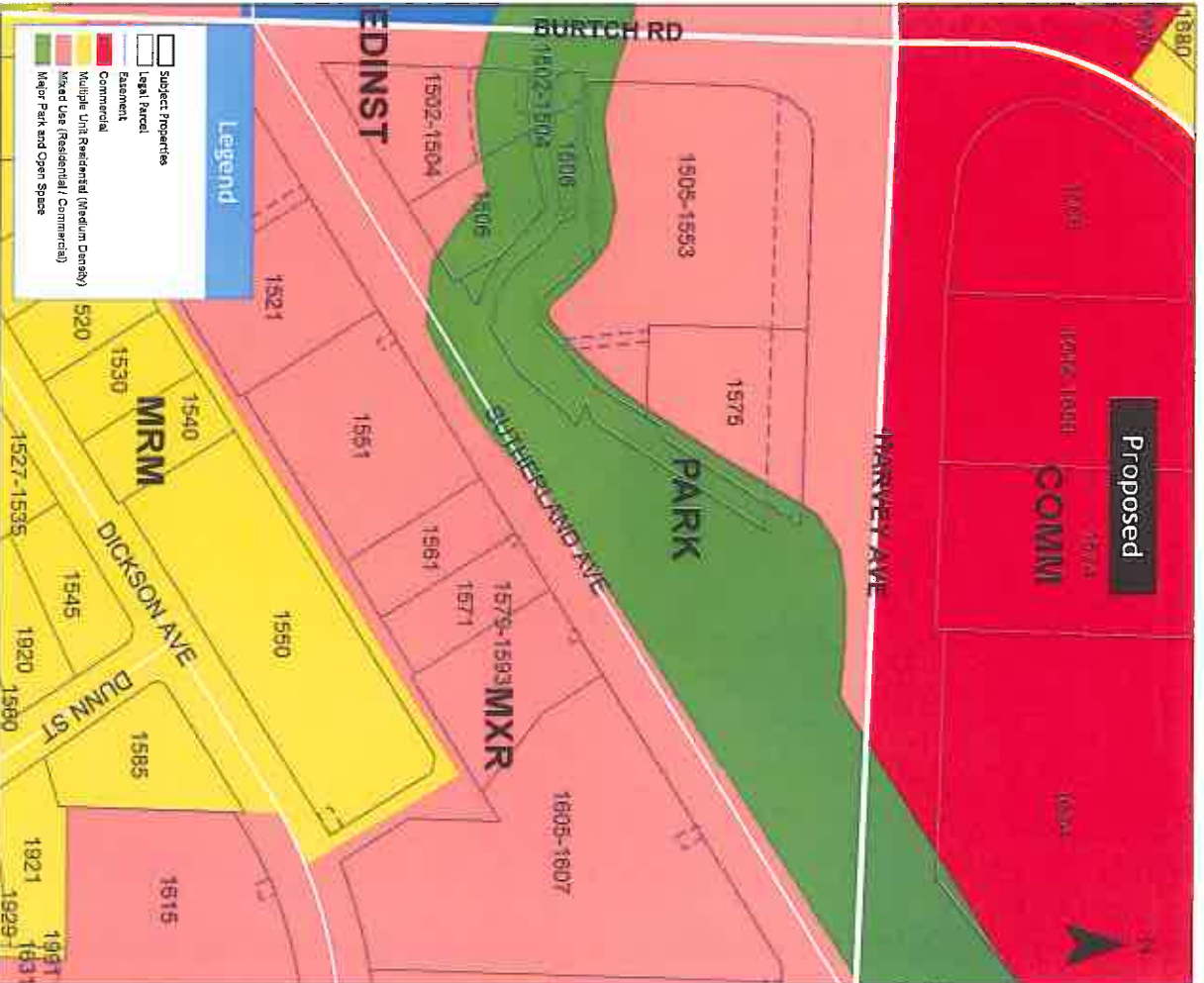
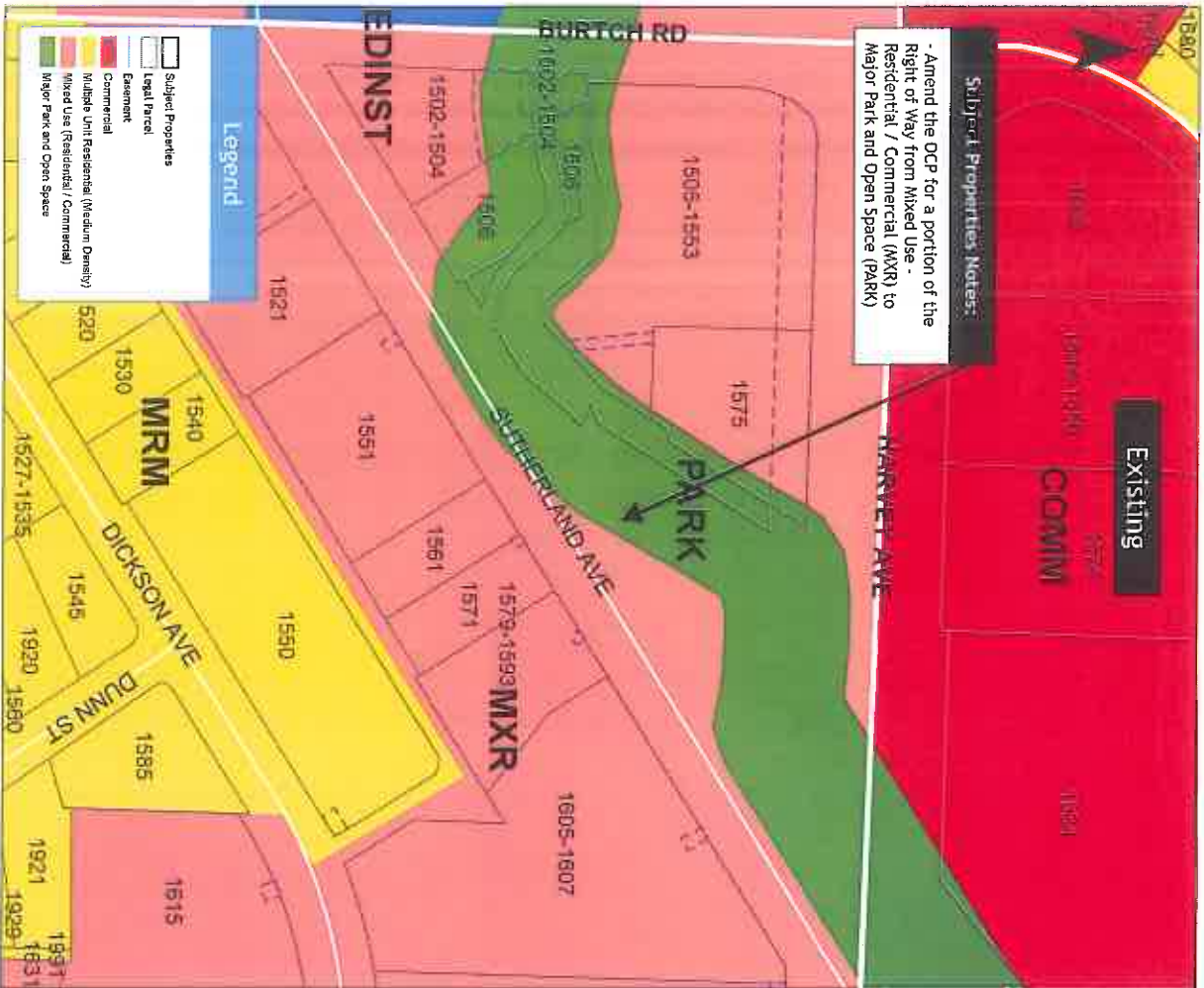


Proposed OCP Land Use Amendments

Bylaw 10753 - Attachment # 8

October 2012



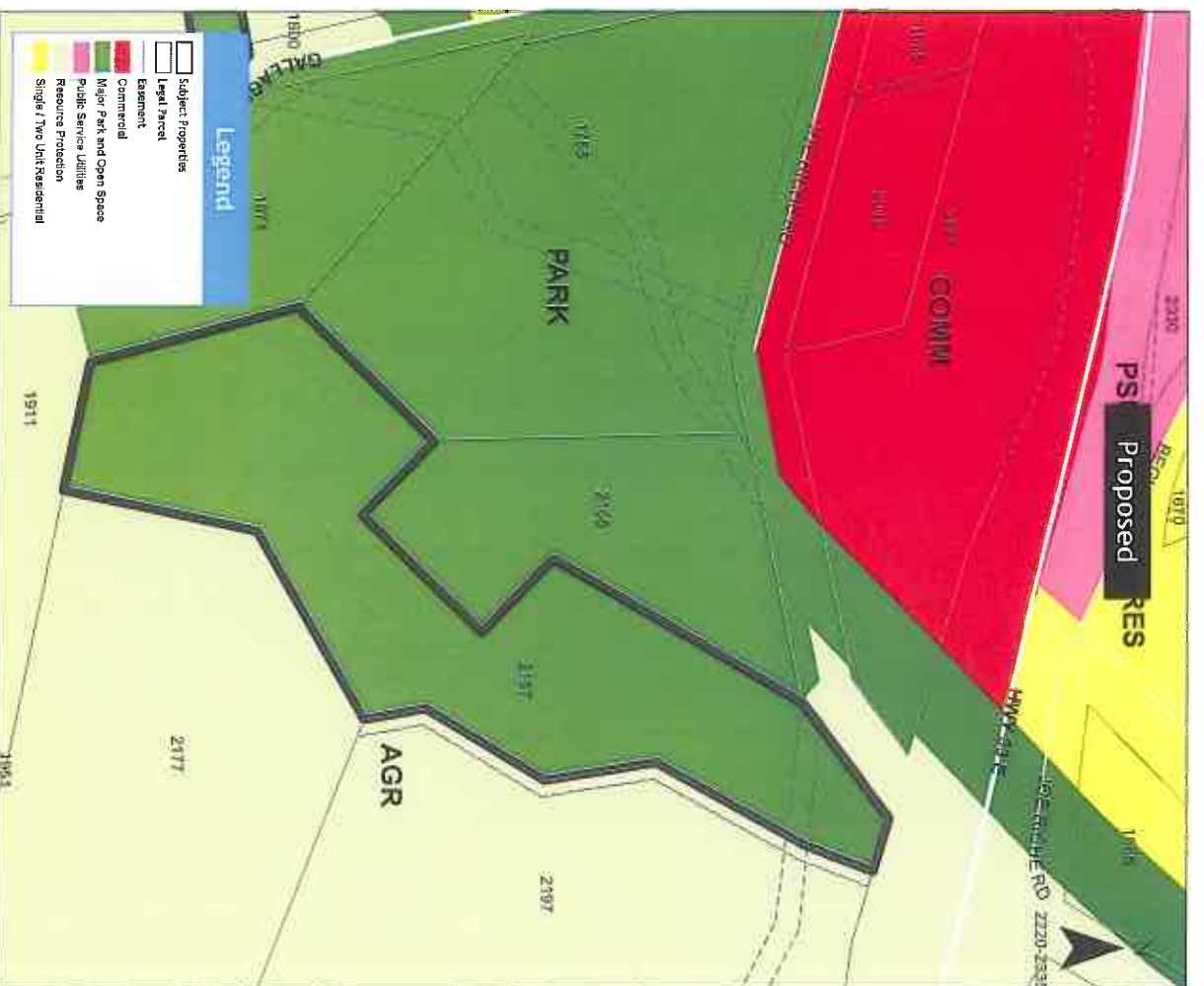
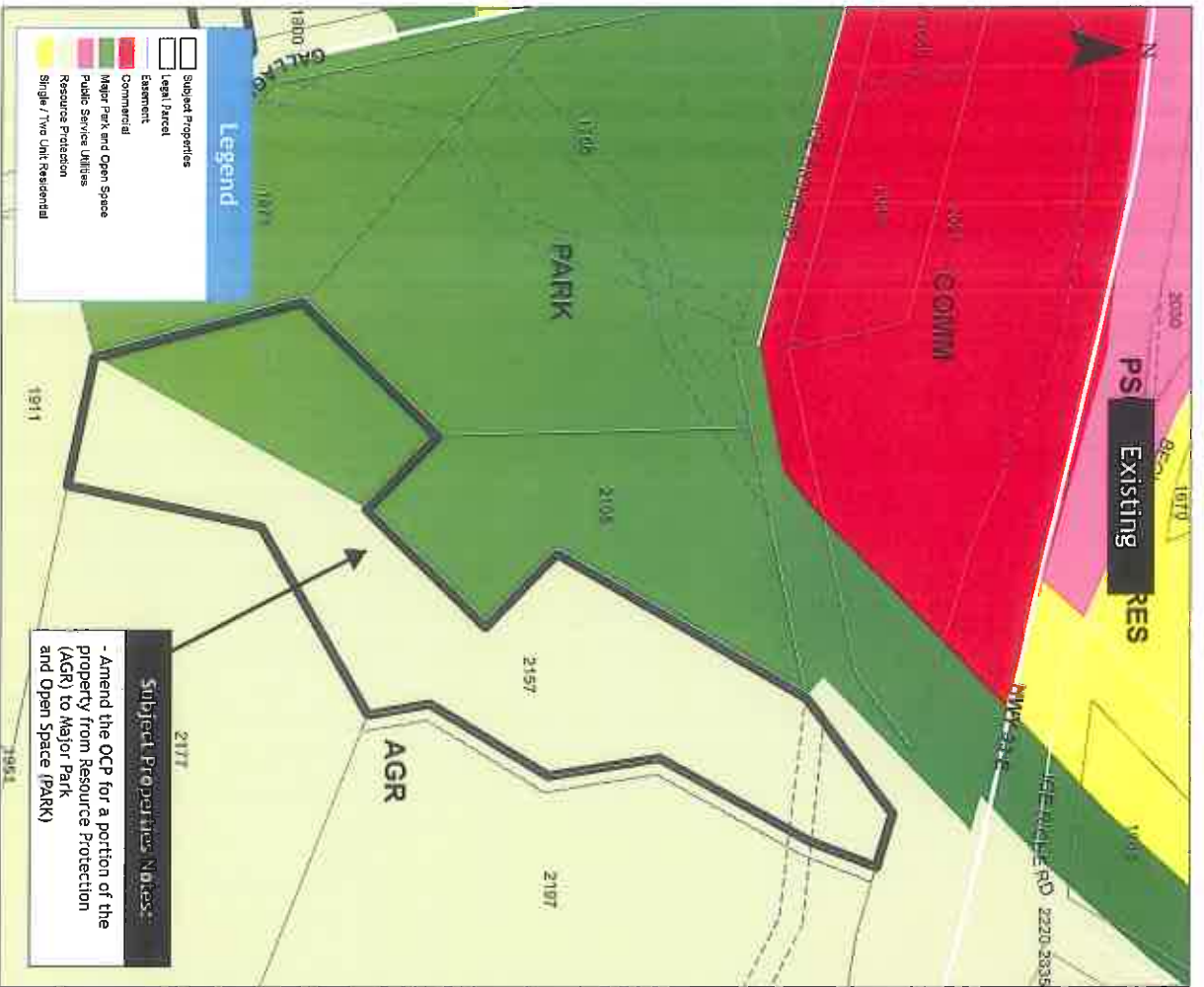


Proposed OCP Land Use Amendments

Bylaw 10753 - Attachment # 9

October 2012

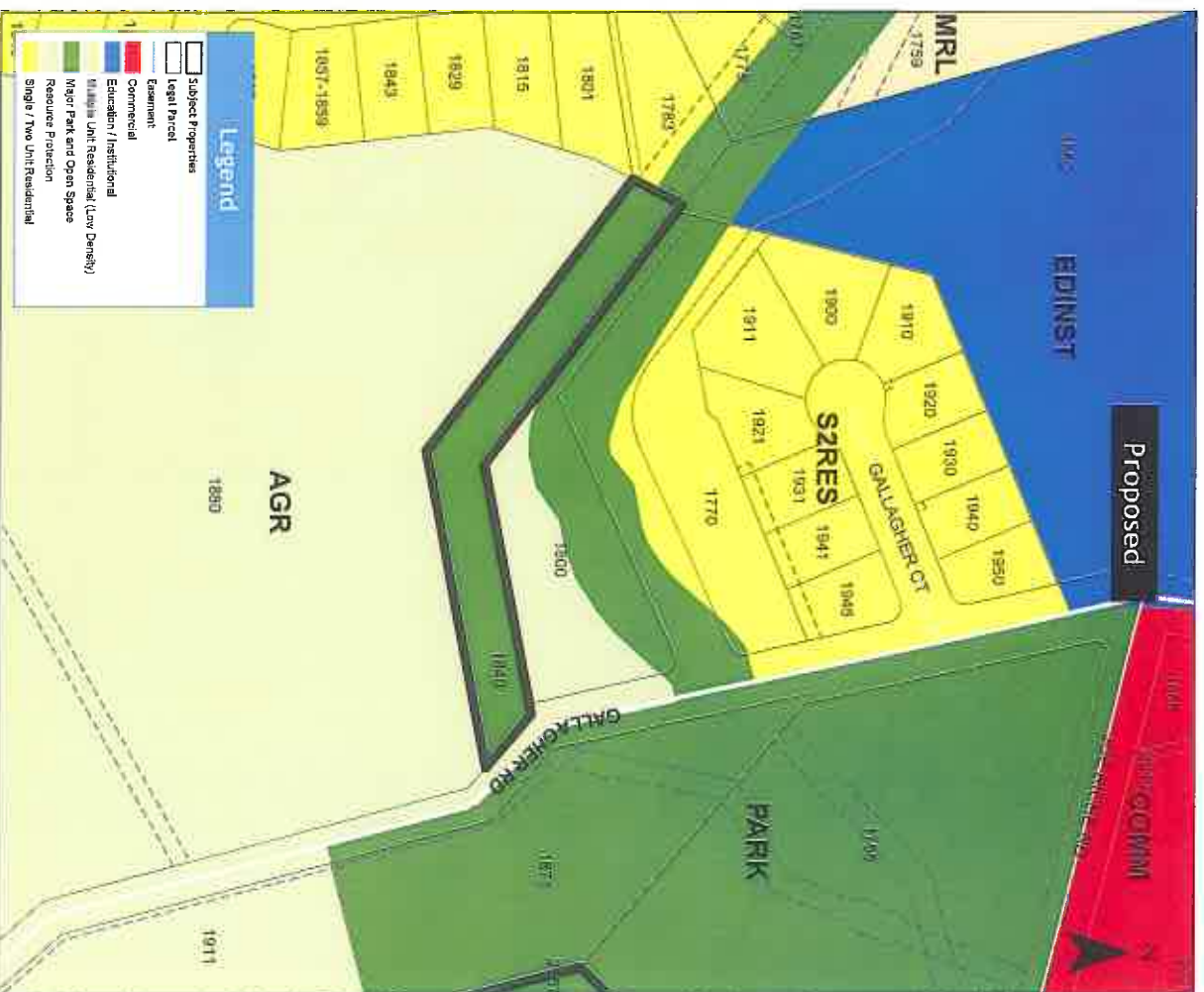
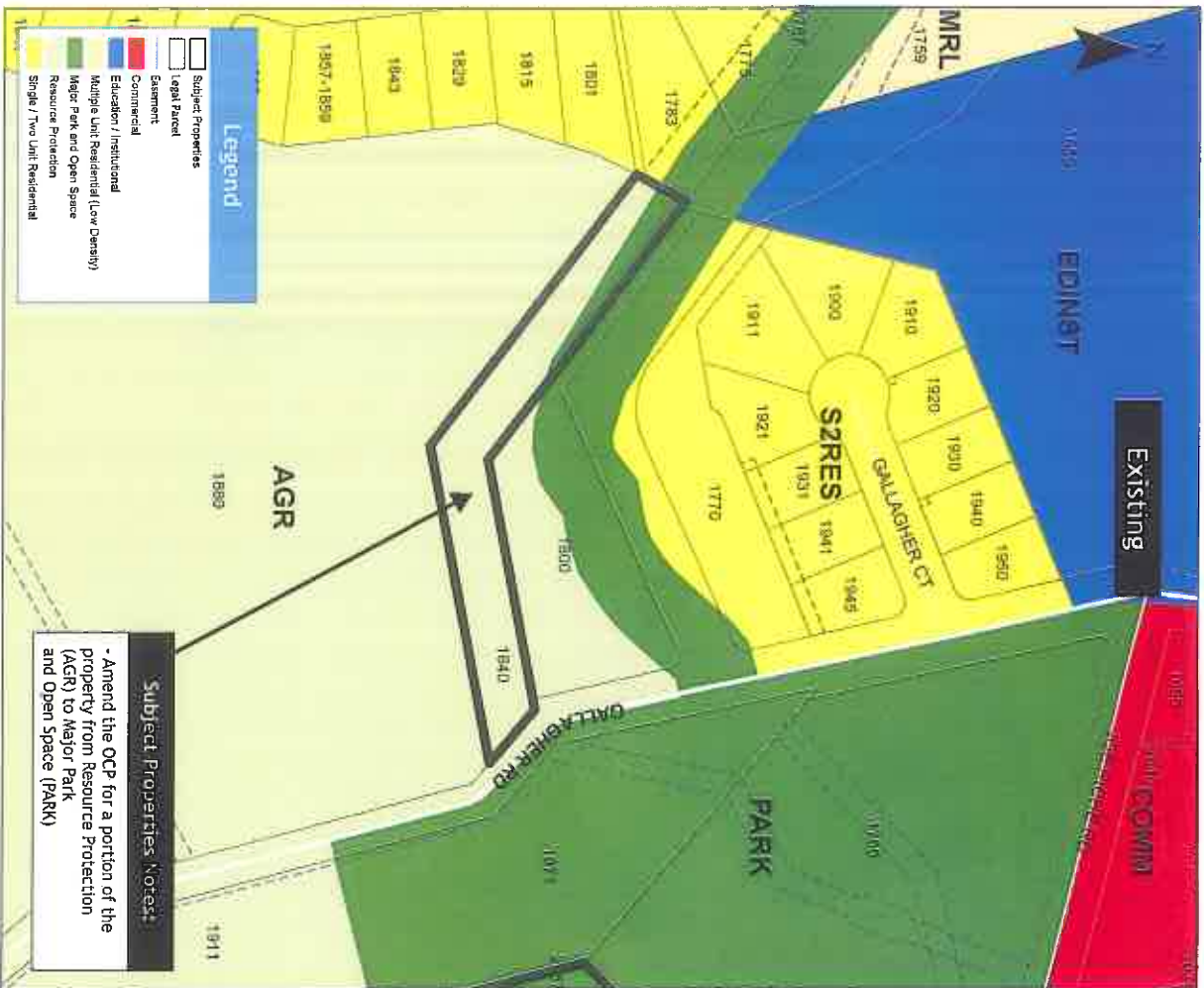




Proposed OCP Land Use Amendments

Bylaw 10753 - Attachment # 10

October 2012



Proposed OCP Land Use Amendments

Bylaw 10753 - Attachment # 11

October 2012