

CITY OF KELOWNA

BYLAW NO. 10746

Official Community Plan Text Amendment No. OCP12 - 0010 Miscellaneous Amendments

WHEREAS Council wishes to adopt certain text amendments to Bylaw No. 10500 - *Kelowna 2030 - 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 **Map 4.1 - Generalized Future Land Use** map be deleted in its entirety and replaced with a new **Map 4.1 - Generalized Future Land Use** map as attached to and forming part of this bylaw;
2. AND THAT **Chapter 4 - Future Land Use, LAND USE DEFINITIONS**, be amended as follows:
 - a) **Resource Protection Area (REP)** be amended by deleting the last sentence that reads "Minimum parcel size for ALR land is 2.0 ha and non-ALR land is 4.0 ha as indicated in the A1 Agricultural Zone of Zoning Bylaw 8000." and replacing it with "Non-ALR land outside the Permanent Growth Boundary will not be supported for any further parcelization."
 - b) adding a new designation "**Rural/Agricultural (RUAG)**" after "**Resource Protection Area (REP)**" that reads:

"Rural/Agricultural (RUAG)

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)."
 - c) **Single/Two Unit Residential (S2RES)** be amended by adding the words "convenience facility" after the words "(i.e. minor care centres, minor public services/utilities,"

3. AND THAT Chapter 4 - Future Land Use, MAPPING NOTES, be amended as follows:

a) **Permanent Growth Boundary (PGB)** be amended by adding to the end of the paragraph "Non-ALR land outside the Permanent Growth Boundary will not be supported for any further parcelization."

b) **Temporary Use Permits (TUP)** be amended by adding the following to the end of the paragraph:

"Temporary Use Permits may be considered within the Permanent Growth Boundary (PGB) on all lands designated in OCP2030 Commercial, Education / Institutional, Industrial, Mixed Use or Public Service / Utility.

Temporary Use Permits outside the PGB may be considered on lands designated Resource Protection Area, with a stated time period considerably less than the maximum three (3) year time limit. A Temporary Use Permit on lands in the ALR will require the approval of the Agricultural Land Commission.

All Temporary Use Permits must conform to other policy direction in this OCP, including fit within the character of the neighbourhood and surrounding uses. Appropriate landscaping, screening and buffering will be included as conditions of the permit to protect adjacent land uses."

c) **Temporary Use Permits (TUP)** be further amended by deleting the following:

"The properties listed below are hereby designated as Temporary Use Permit Areas:

Table 4.3 Temporary Use Permits

Temporary Use Type	Effective Dates	Designated Permit Area
Non- Accessory Parking use for a portion of the Church parking area.	Three years from date of issuance = November 15, 2014	Legal Address: Lot 1, District Lots 14 & 135, ODYD, Plan 34984 except Plans 35454 & KAP67299 Street: 3131 Lakeshore Road
Automotive and minor recreation vehicle sales / rental.	Three years from the date of issuance = February 21, 2015	Legal Address: Lot A, Section 35, Township 26, O.D.Y.D., Plan 6372, and Lot B, Section 35, Township 26, O.D.Y.D., Plan 6372 Street: 3865 - 3867 Hwy 97 N 2170 Rutland Road N
Non-Accessory Parking Use for Temporary Gyro Beach Parking Area	From final date of adoption until June 7, 2015	Legal Address: Lot 27, District Lot 14, ODYD, Plan 2078 Street: 3326 Lakeshore Road

4. **AND THAT Chapter 5 - Development Process, GENERAL, Objective 5.3 Focus development to designated growth areas, Policy .1 Permanent Growth Boundary,** be deleted in its entirety and replaced with the following:

“Permanent Growth Boundary. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support development of property outside the Permanent Growth Boundary for more intensive use only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except for Agri-Business designated sites or as per Council’s specific amendment of this policy. The Permanent Growth Boundary may be reviewed as part of the next major OCP update.”
5. **AND THAT Map 5.2 - Permanent Growth Boundary** map be deleted in its entirety and replaced with a new **Map 5.2 - Permanent Growth Boundary** map as attached to and forming part of this bylaw;
6. **AND THAT Chapter 5 Development Process, GENERAL, Objective 5.15 Ensure environmentally sustainable development, Policy .10 Varying Requirements** be deleted in its entirety and replaced with the following:

“Varying Requirements. Retain the option to vary the width of Riparian Management Areas to accommodate the maximum retention of desirable natural vegetation and wildlife habitat, ground formations, and water features through a “no net loss” approach.”
7. **AND THAT Chapter 12 Natural Environment DP Guidelines, GUIDELINES, 12.0 Riparian Management Areas, 12.3** be deleted in its entirety and replaced with the following:

“Applicants may apply to vary the width of the Riparian Management Areas listed in Table 12.1. The City will only consider supporting an application to vary in order to achieve “no net loss” and where an assessment has been completed and provides recommendations to protect the integrity of the riparian area. Any proposed relaxation of stream setback widths, storm water requirements, erosion and sediment control requirements are to be referred to the City for review prior to filing the assessment report by a Qualified Environmental Professional (QEP) with the appropriate provincial ministry or agency. Within the Riparian Management Area (RMA), restoration of streamside vegetation may be a requirement of the development process.”
8. **AND THAT Chapter 12 Natural Environment DP Guidelines, Table 12.1 Minimum Riparian Management Areas (RMA), Notes for Table 12.1** be amended to include a new section 3. as follows:

“3. Minimum RMA widths are intended to achieve “no net loss” when considering individual site conditions.”

9. 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

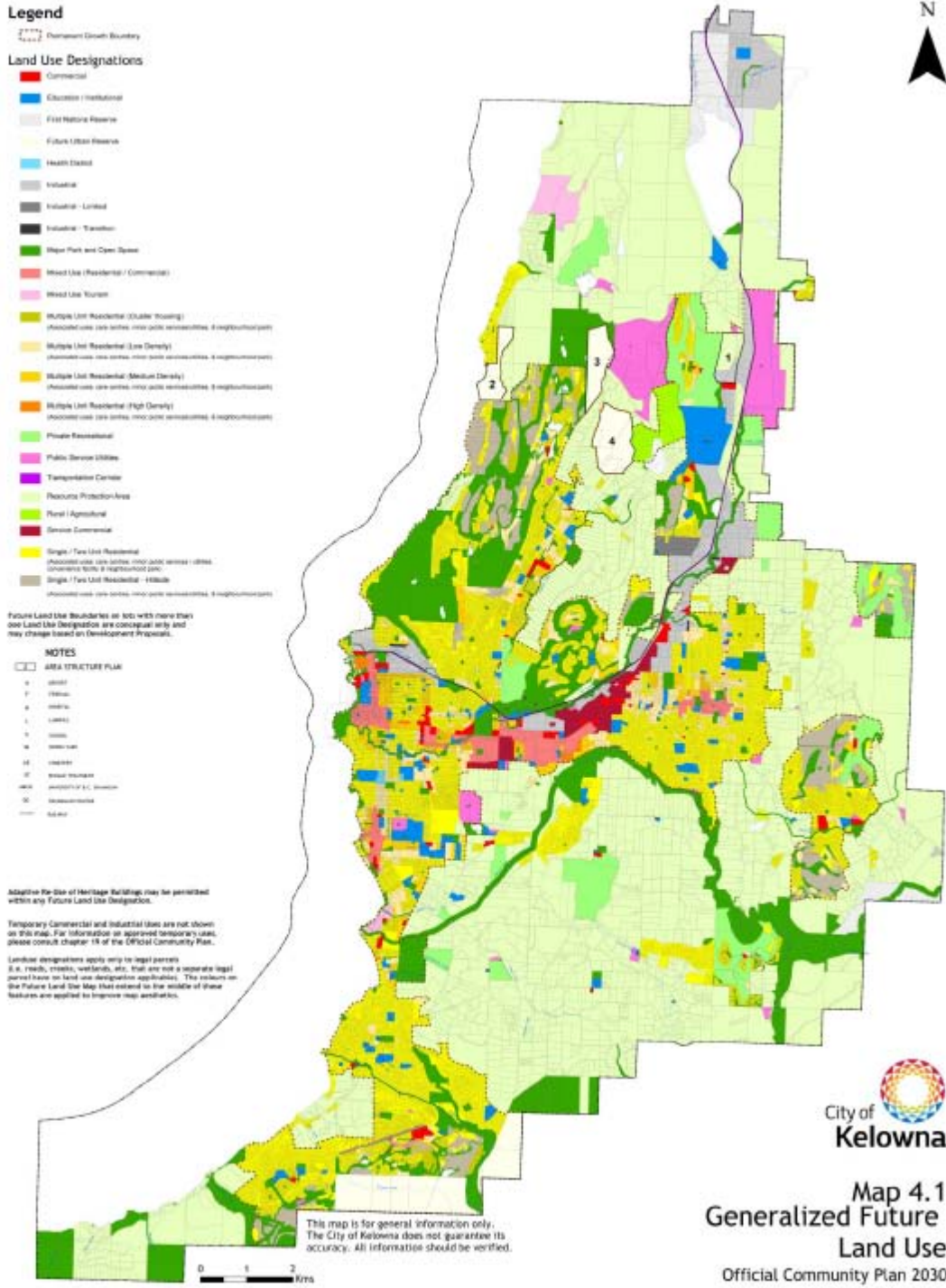
Considered at a Public Hearing on the

Read a second and third time and adopted by the Municipal Council this

Mayor

City Clerk

Map 4.1 - Generalized Future Land Use



Map 5.2 - Permanent Growth Boundary

