

ADMINISTRATIVE REPORT

TO: Advisory Planning Commission
FROM: B. Newell, Chief Administrative Officer
DATE: February 9, 2016
RE: Commercial Zone Update



Proposal:

The Regional District Board is proposing to undertake an update of the commercial zones comprised within the Electoral Area “D-2” Zoning Bylaw.

Background:

At its meeting of March 6, 2014, the Board adopted a new Electoral Area “D-2” Official Community Plan (OCP) Bylaw No. 2603, 2013.

The OCP contemplates a number of changes to the Electoral Area “D” Zoning Bylaw No. 2455, 2008, many of which were adopted at the Board’s meeting of March 19, 2015 (i.e. removal of references to the Okanagan Falls “Townsite”, the introduction of “secondary suites” and a modernization of the permitted uses in the industrial zones).

An additional zoning change proposed by the OCP, but not contemplated by the previous amendment bylaw was “relabeling the highway commercial zone and providing a range of permitted uses that complement the vibrant, mixed use vision for the downtown area of Okanagan Falls that the OCP seeks.”

At present, that part of Okanagan Falls adjacent to Highway 97 from Railway Lane in the west to the intersection with Main Street in the east and then south to Shuttleworth Creek (see Attachment No. 1) has generally been zoned as Highway Commercial (C4) and is generally a commercial zoning with provision for “multi-dwelling units” (i.e. apartment buildings) to a maximum density of 60 units per hectare.

Despite its adoption date of 2008, the text comprised within Zoning Bylaw No. 2455 is based almost entirely upon that found within the previous Electoral Area “D” Zoning Bylaw No. 1801, 1998 — making it one of the older zoning bylaws still in use by the Regional District.

Consequently, it is not unusual to find outdated language comprised within the commercial zones, such as references to “video sales and rentals”, “brew your own operations” and “flea markets”.

The Advisory Planning Commission (APC) is asked to be aware that further changes to the built-form (height, setbacks, coverage and floor area) of the C4 Zone may result from the Okanagan Falls Town Centre Revitalisation Plan that is currently being completed.

Analysis:

Administration fully supports updating the uses permitted in the C4 Zone — in accordance with the recommendation of the OCP — and further considers that there is significant merit in extending this update to include the other commercial zones found in the Electoral Area “D-2” Zoning Bylaw.

Okanagan Falls Town Centre (C4) Zone

With regard to the C4 Zone, it is being proposed to change the title of the zone from “Highway Commercial” to “Okanagan Falls Town Centre” Zone and to update the language used to describe the range of permitted uses within the zone.

For instance, it is felt that “retail sales, general” could be used to replace five existing permitted uses, these being; “convenience stores”, “indoor retail trade”, “supermarkets”, “pharmacies/drugstores” and “video sales and rentals”.

Expansion of the current “art galleries” use to include “art galleries, libraries, museums” would also allow for the inclusion of the Okanagan Falls Heritage & Museum Society property (1145 Highway 97), which is currently zoned Commercial Amusement (C6) into the C4 Zone and would also allow for the deletion of a site specific provision introduced in 2002 to allow for the opening of the Okanagan Regional Library.

Similar to other “Town Centre” zones in the south Okanagan (i.e. Town of Oliver), and in order to achieve the OCP objective of creating a “vibrant, mixed use vision for the downtown area of Okanagan Falls” it is also being proposed that “car washes”, “service stations”, “propane and other vehicle fuel sales” and “vehicle sales and serve establishments” be removed from the C4 Zone and included in a new CS1 Zone (to be discussed below).

Service Commercial One (CS1) Zone

In recognition of those properties currently zoned C4 that have already been developed to automotive uses, it is being proposed that a new “Service Commercial One (CS1) Zone” be introduced into the Zoning Bylaw and applied to these properties. It is understood that there are, at present, two existing “service stations” (i.e. Esso and Centex) that would be proposed for inclusion in the CS1 Zone.

For comparison purposes, the current C4 Zone and proposed new C4 and CS1 Zones are included at Attachment No. 3.

Neighbourhood Commercial (C3) Zone

Similar to the C4 Zone, it is felt that the introduction of a new use class; “retail sales, convenience”, can be used to consolidate three existing uses, these being “convenience stores”, “video sales and rentals” and “postal outlets”.

It is also proposed to update the definition of “personal service establishment” (a permitted use in the zone) by removing references to “the offices of a chiropractor or lawyer”, as this results in a certain ambiguity about what other types of offices may, or may not be allowed in the zone and to off-set this by introducing “offices” as a principal permitted use.

Commercial Amusement (C6) Zone

The forerunner of the C6 Zone was introduced into the Zoning Bylaw in 1970 to reflect the operation of the Penticton Speedway in Upper Carmi. Why it was subsequently applied to the museum site in Okanagan Falls is an oddity, but the C6 Zone also exists as a remnant zone on two rural-residential lots in the Upper Carmi area.

The Board previously adopted an amendment in 1994 allowing for “single detached dwellings” in the C6 Zone, but this was removed following the adoption of Zoning Bylaw No. 1801, 1998, rendering the residential use of these properties legally non-conforming. Administration is proposing that the

zoning of these properties revert to Small Holdings One (SH1), which is the zoning that has been applied to adjacent parcels.

Recreational Vehicle Park (C7) Zone

The C7 Zone was introduced into the Zoning Bylaw in 2008 in order to facilitate the development of a commercial RV Park south of Okanagan Falls (1830 Alba Road) that has yet to be built. Despite only applying to a single property, a site specific provision was also introduced.

It is now proposed that the site specific provision be deleted and its regulations be built directly into the C7 Zone itself. It is not envisioned that this will affect the range of uses and densities currently permitted on the property.

Specialized Commercial (C8) Zone

The C8 Zone was introduced in 2001 in order to facilitate the development of a movie studio on the property at 4274 McLean Creek Road. Administration considers that, as this project was abandoned over a decade ago, the C8 Zone is no longer relevant and that the property should revert to the Large Holdings (LH) Zone that existed on the site prior to the movie studio proposal.

Consultation

The APC is asked to be aware that Administration has sent letters to all affected property owners outlining the proposed changes and will be meeting with any interested persons to discuss options.

Administrative Recommendation:

THAT the APC recommends to the RDOS Board that the proposed amendments to the Commercial Zones be approved.

Options:

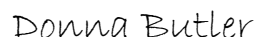
1. THAT the APC recommends to the RDOS Board that the proposed amendments to the Commercial Zones be approved.
2. THAT the APC recommends to the RDOS Board that the proposed amendments to the Commercial Zones be approved with conditions:
 - i) *TBD*
3. That the APC recommends to the RDOS Board that the proposed amendments to the Commercial Zones be denied.

Respectfully submitted:



C. Garrish, Planning Supervisor

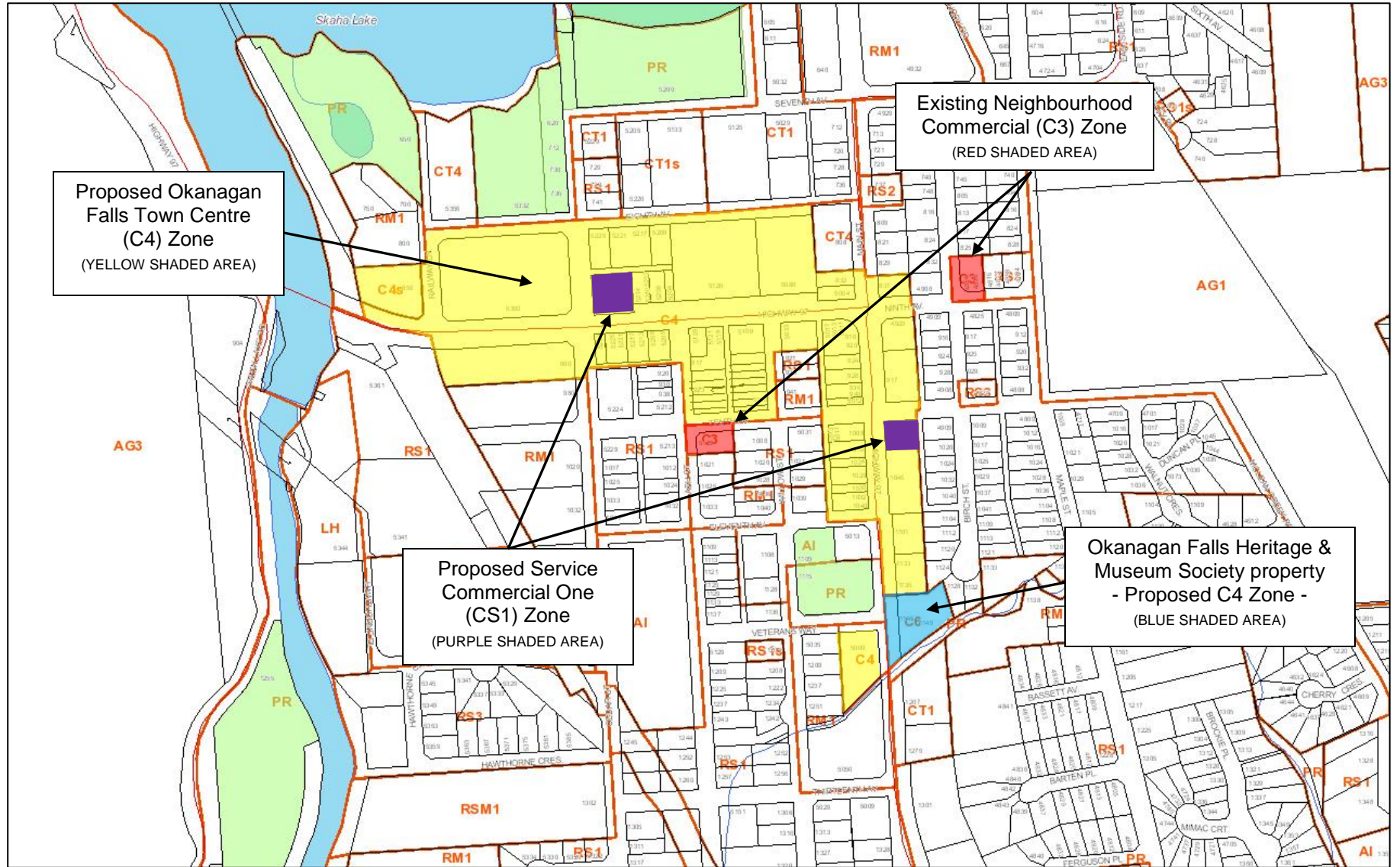
Endorsed by:



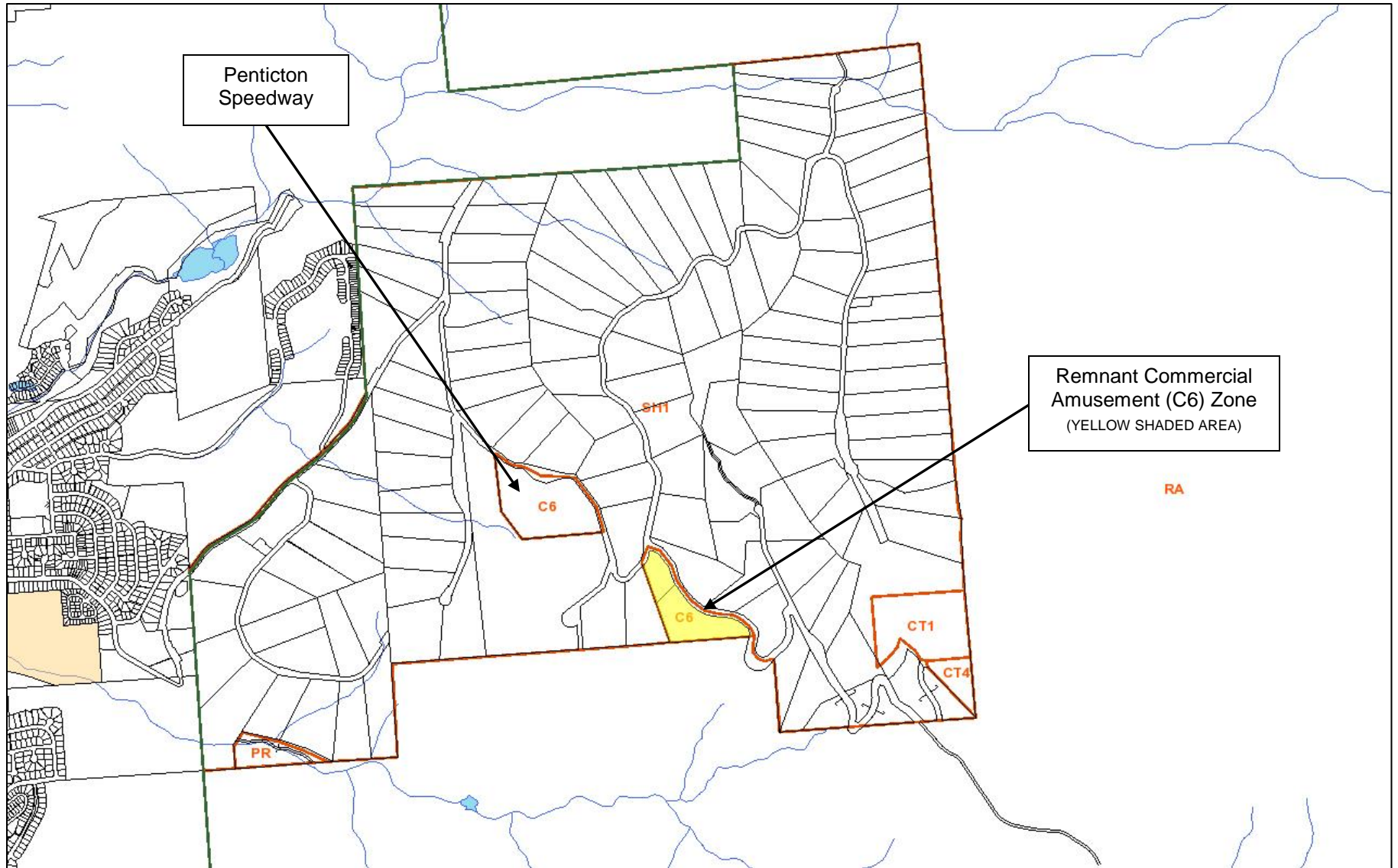
D. Butler, Development Services Manager

Attachments: No. 1 – Map of the Commercial Zones in Okanagan Falls
No. 2 – Map of the Commercial Amusement (C6) Zone in Upper Carmi
No. 3 – Comparison of Current C4 and Proposed C4 & CS1 Zone Provisions

Attachment No. 1 – Map of the Commercial Zones in Okanagan Falls



Attachment No. 2 – Map of the Commercial Amusement (C6) Zone in Upper Carmi



Attachment No. 3 – Comparison of Current C4 and Proposed C4 & CS1 Zone Provisions

Current Highway Commercial (C4) Zone	Proposed OK Falls Town Centre (C4) Zone	Proposed Service Commercial One (CS1) Zone
<p>Permitted Uses: Principal uses:</p> <p>indoor amusement, recreation and entertainment facilities;</p> <p>art galleries;</p> <p>eating and drinking establishments;</p> <p>hotels;</p> <p>motels;</p> <p>multi-dwelling units;</p> <p>commercial, medical, government and professional business offices;</p> <p>flea markets;</p> <p>personal service establishments;</p> <p>brew your own operations;</p> <p>convenience stores;</p> <p>indoor retail trade;</p> <p>supermarkets;</p> <p>pharmacies/drugstores;</p> <p>video sales and rentals;</p> <p>community halls;</p> <p>funeral homes;</p> <p>veterinary establishment;</p> <p>vehicle sales and service establishments;</p> <p>service stations;</p> <p>propane and other vehicle fuel sales;</p> <p>car washes;</p>	<p>Permitted Uses: Principal uses:</p> <p>amusement establishment, indoor;</p> <p>art galleries, libraries, museums;</p> <p>eating and drinking establishment;</p> <p>hotel;</p> <p>motel;</p> <p>multi-dwelling units;</p> <p>offices;</p> <p>outdoor market;</p> <p>personal service establishment;</p> <p>retail store, general;</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>Permitted Uses: Principal uses:</p> <p>retail store, convenience;</p> <p>vehicle sales and service establishments;</p> <p>service stations;</p> <p>propane and other vehicle fuel sales;</p> <p>car washes;</p>
<p>Secondary uses:</p> <p>accessory dwellings, excluding “flea market” uses;</p> <p>bed and breakfast operation;</p> <p>home occupations; and</p> <p>accessory buildings and structures.</p> <p>storage warehouses and/or shipping facilities accessory to a supermarket use or indoor retail trade use;</p>	<p>Secondary uses:</p> <p>accessory dwellings;</p> <p>bed and breakfast operation;</p> <p>home occupation; and</p> <p>accessory buildings and structures.</p> <p>N/A</p>	<p>accessory buildings and structures.</p> <p>eating and drinking establishment;</p>
<p>Minimum Parcel Size: 505 m², subject to servicing requirements</p>	<p>Minimum Parcel Size: 500 m², subject to servicing requirements</p>	<p>Minimum Parcel Size: 1,000 m², subject to servicing requirements</p>
<p>Minimum Parcel Width: Not less than 25% of parcel depth.</p>	<p>Minimum Parcel Width: Not less than 25% of parcel depth.</p>	<p>Minimum Parcel Width: Not less than 25% of parcel depth.</p>

Current Highway Commercial (C4) Zone	Proposed OK Falls Town Centre (C4) Zone	Proposed Service Commercial One (CS1) Zone
<p>Maximum Number of Dwellings Permitted Per Parcel: 60 dwellings per hectare for “multi-unit dwellings”; and one (1) accessory dwelling.</p>	<p>Maximum Number of Dwellings Permitted Per Parcel: 60 dwellings per hectare for “multi-unit dwellings”; and one (1) accessory dwelling, excluding “multi-unit dwelling” and “outdoor market use”.</p>	<p>N/A</p>
<p>Minimum Setbacks: From an Arterial Highway: i) Front parcel line (with secondary lane access): 3.0 metres ii) Front parcel line (no secondary lane access): 4.5 metres iii) Exterior side parcel line: 3.0 metres Abutting an RS1 or RM2 Zone: i) Rear parcel line (where no lane exists): 6.0 metres ii) Interior side parcel line: 1.5 metres Service Station, Car Wash, or Fuel Sales Uses: i) Front parcel line: 7.5 metres</p>	<p>Minimum Setbacks: Buildings and structures: i) Front parcel line: .1 with secondary lane access: 3.0 metres .2 without secondary lane access: 4.5 metres ii) Rear parcel line: .1 adjacent a Residential Zone 6.0 metres .2 adjacent all other zones 0.0 metres iii) Interior side parcel line 0.0 metres iv) Exterior side parcel line 3.0 metres Accessory buildings and structures: i) Front parcel line: 3.0 metres ii) Rear parcel line: .1 adjacent a Residential Zone 6.0 metres .2 adjacent all other zones iii) Interior side parcel line: 0.0 metres iv) Exterior side parcel line: 3.0 metres</p>	<p>Minimum Setbacks: Buildings and structures: i) Front parcel line: 6.0 metres ii) Rear parcel line: 6.0 metres iii) Interior side parcel line 3.0 metres iv) Exterior side parcel line 4.5 metres Accessory buildings and structures: i) Front parcel line: 6.0 metres ii) Rear parcel line: 3.0 metres iii) Interior side parcel line: 3.0 metres iv) Exterior side parcel line: 4.5 metres</p>
<p>Maximum Height: No building or structure shall exceed a height of 12.0 metres; No accessory building or structure shall exceed a height of 4.5 metres.</p>	<p>Maximum Height: No building or structure shall exceed a height of 12.0 metres; No accessory building or structure shall exceed a height of 4.5 metres.</p>	<p>Maximum Height: No building or structure shall exceed a height of 10.0 metres; No accessory building or structure shall exceed a height of 4.5 metres.</p>
<p>Maximum Parcel Coverage: 80%</p>	<p>Maximum Parcel Coverage: 80%</p>	<p>Maximum Parcel Coverage: 35%</p>
<p>Provisions for Multi-Dwelling Units: must be located above the first floor or in the rear of the same building containing the area intended for a commercial use.</p>	<p>Provisions for Multi-Dwelling Units: N/A</p>	<p>N/A</p>