

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: September 1, 2016

RE: OCP & Zoning Bylaw Amendment — Electoral Area “D-2”
Commercial Zone Update



Administrative Recommendation:

THAT Bylaw No. 2603.08, 2016, Electoral Area “D” Official Community Plan Amendment Bylaw be read a third time and adopted;

AND THAT Bylaw No. 2455.24, 2016, Electoral Area “D” Zoning Amendment Bylaw be read a third time, as amended.

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, including “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 its meeting of January 21, 2016, the Planning and Development (P&D) Committee of the Regional District Board resolved to “direct staff to initiate an amendment to the Electoral Area “D” Zoning Bylaw No. 2455, 2008, in order to update the commercial zones.”

All property owners affected by the proposed changes were notified by mail in early February of 2016.

At their meeting of February 9, 2016, the Electoral Area “D” Advisory Planning Commission (APC) resolved to recommend that the proposed amendments to the Commercial Zone be approved.

At its meeting of July 7, 2016, the P&D Committee of the Regional District Board resolved to direct staff to apply a minimum parcel size requirement of 4.0 hectares to the C7 Zone, and to bring forward the amendment bylaw.

At its meeting of July 21, 2016, the Regional District Board resolved to approve first and second reading of the amendment bylaws and directed that a public hearing be scheduled.

A Public Hearing was held on August 10, 2016, where approximately 23 members of the public attended.

Approval from the Ministry of Transportation and Infrastructure (MoTI) will be required prior to adoption of Amendment Bylaw No. 2455.24, 2016, as the amendments will affect land situated within 800 metres of a controlled area (i.e. Highway 97).

Analysis:

As discussed at the P&D Committee meeting of January 21st, Administration fully supports updating the uses permitted in the C4 Zone and extending this to include the other commercial zones found in the Electoral Area “D-2” Zoning Bylaw. Specifically, it is being proposed to:

- retitle the C4 Zone “Okanagan Falls Town Centre” (from “Highway Commercial”);
- update the language used to describe permitted uses in the C3, C4, C6 and C7 Zones (NOTE: the C1 & C2 Zones do not exist in Electoral Area “D-2”, while the C5 Zone was removed in 2015);
- exclude automobile related uses (i.e. “service stations”) from the C4 Zone and include these in a new Service Commercial One (CS1) Zone to be applied to parcels where these are occurring;
- include the Okanagan Falls Heritage & Museum Society property (1145 Highway 97) in the C4 Zone (it is currently zoned Commercial Amusement (C6));
- rezone a non-conforming residential property in Upper Carmi from C6 to Small Holdings One (SH1) (the property owner has been consulted and is supportive of this change). This requires an amendment to the Electoral Area “D” OCP Bylaw in order to change the designation of the property from Commercial (C) to Small Holdings (SH);
- update the C7 Zone and consolidate an existing site specific zoning; and
- delete the Specialized Commercial (C8) Zone from the bylaw and rezone the only property it applies to back to Large Holdings (LH), which is the zoning that applied to the property prior to the “movie studio” concept being applied for in 2001 (the property owner received written notification of this proposal and has not responded).

With regard to the proposed amendments to Bylaw No. 2455.24, this is in relation to a minor typo identified in the permitted uses in the C4 Zone. Specifically, the proposed Section 13.2.1(f) makes reference to “multi-dwelling units, subject to Section 13.2.9”, however, the proposed C4 Zone does not include a Section 13.2.9 (or a Section 13.2.8).

At present, Section 13.2.9 (Provisions for Multi-Dwelling Units) is a requirement that 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.”

To address, this staff recommend that Bylaw No. 2455.16, be re-read at third reading in order to:

- amend Section 13.2.1(f) in order to update the reference to Section 13.2.8 (i.e. “multi-dwelling units, subject to Section 13.2.8”); and
- introduce a new sub-section 13.2.8 to read as follows:

13.2.8 Multi-Dwelling Unit Regulations:

- a) multi-dwelling units shall be located above the first floor or at the rear of a building containing a principal commercial use.

Alternative:

THAT the Board of Directors rescind first and second reading of Amendment Bylaw Nos. 2603.08 & . 2455.24, 2016, and abandon the bylaws.

Respectfully submitted:



C. Garrish, Planning Supervisor

Endorsed by:

Donna Butler

D. Butler, Development Services Manager