

Report to Council



Date: September 9, 2019
To: Council
From: City Manager
Subject: Zoning Bylaw Updates and Public Engagement Process
Department: Development Planning

Recommendation:

THAT Council receives the report from the Development Planning Department, dated September 9, 2019, for information;
AND THAT Council direct staff to initiate the public engagement process as outlined in this report.

Purpose:

To provide Council with an update of the proposed zoning bylaw amendments and upcoming public engagement scheduled for Fall 2019.

Background:

Development Planning staff have been working on a multi-phased approach to update the current Zoning Bylaw, which dates back to 1998 with subsequent amendments. Recent or upcoming amendments have addressed energy efficient design, new agricultural land use regulations, and new parking and loading regulations.

The intention of the updates is to work in tandem with the development of the new Official Community Plan (OCP) 2040 and the goals of Imagine Kelowna to set a base structure that can easily respond to future policy direction outlined in the forthcoming OCP. Regular updates in the coming years will ensure the new Zoning Bylaw is maintained and relevant. Additionally, the updates will ensure the following plans and various Council resolutions adopted since 2012 are implementable through the zoning bylaw. Recently adopted plans include:

- Civic Precinct Plan (2016)
- Urban Centre Roadmap (2016)
- Pedestrian and Bicycle Master Plan (2016)
- Agriculture Plan (2017)
- Healthy Housing Strategy (2018)
- Imagine Kelowna (2018)
- Community Climate Action Plan (2018)
- Capri-Landmark Urban Centre Plan (2019)

The current zoning bylaw is outdated and does not reflect Kelowna's direction of growth management or modern forms of development. The updates are required to ensure development trends are properly incorporated into the bylaw and to support a user-friendly document. The updates will enhance usability for all users (staff, the development community and the general public), reduce interpretation issues and simplify zoning rules and regulations.

Discussion:

Development Planning staff are working on the following zoning bylaw updates:

1. Consolidation of zones, including:
 - a. Multi-family
 - b. Commercial
 - c. Industrial
 - d. Urban Centre Mixed-Use zones
2. Simplify land use categories and update definitions within Section 02- Interpretation
 - a. The consolidation of zones combined with simplifying land use categories and updating the corresponding definitions will modernize the land use regulations and make them easier to interpret. This will eliminate current contradictions within the bylaw, correct existing issues with interpretation and provide more certainty to residents, citizens, developers, and property owners on land use regulations.
3. Update building height regulations to be consistent with current policy and current building practices:
 - a. Allow for 5 and 6 storey wood framed buildings in applicable circumstances.
 - b. Modify height regulations within each Urban Centre to be consistent with current policy and surrounding context.
4. Simplify Density Bonusing Policy
 - a. Modify the density bonusing provisions within the Urban Centres to establish a more consistent and effective density bonusing policy.
5. Reformatting:
 - a. The purpose of reformatting the Zoning Bylaw is to follow best practice in bylaw creation with easy to interpret regulations, navigation, and elimination of redundancies.

Schedule 'A' of this report provides a detailed overview of the zone updates.

Public Engagement & Next Steps

Staff are proposing to engage the public on these updates in Fall 2019. This is a preliminary engagement opportunity on the overall direction of the zoning bylaw update and will occur alongside the scheduled Official Community Plan public engagement.

Staff will continue to refine the zoning bylaw updates based on public input and further engagement with stakeholders and internal departments. This will occur along with the development of the new Official Community Plan. Staff expect to have a draft updated zoning bylaw for Council consideration in Spring 2020 and anticipate further updates and additions as part of the new Official Community Plan implementation over the coming years.

Considerations applicable to this report:

Legal/Statutory Authority: *Local Government Act*, Part 14 – Planning and Land Use Management,
Division 5- Zoning Bylaw

Existing Policy:

Council Policy No. 372: Engage Policy

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements

Financial/Budgetary Considerations

External Agency/Public Comments

Communications Comments

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Attachments:

Schedule "A"- Consolidation of Zones Summary

cc:

Divisional Director, Planning and Development Services