

Report to Council



Date: October 4, 2021
To: Council
From: City Manager
Subject: Draft New Zoning Bylaw – Project Workshop
Department: Development Planning Department

Recommendation:

THAT Council endorse the proposed new Zoning Bylaw process, as outlined in this report from the Development Planning Department Manager, dated October 4, 2021.

Purpose:

To provide Council with information as it relates to the project scope, timeline, and consultation process for the proposed new Zoning Bylaw.

Background:

Under the *Local Government Act*, a Zoning Bylaw is the principal way that local governments can regulate land use. Zoning bylaws assign a zone to all land within a local government and stipulate specific land uses, density, siting, and size of buildings, as well lot area and dimensions of properties for subdivision. A Zoning Bylaw consists of a set of rules that determine how land can and cannot be used, what can and cannot be built within each zone, and sets out the regulations intended to ensure the orderly development of the community and avoid conflicts between incompatible uses.

A Zoning Bylaw is a separate document from the Official Community Plan (OCP). The OCP is a high-level community-based vision, a long-range plan that sets out the vision and overall management of growth of a city. It is a set of policies and guidelines that are used to generally influence decisions and guide the overall direction of a city. A Zoning Bylaw is a more specific tool to implement land use planning visions expressed in OCP's and growth strategies¹. A new city-wide Zoning Bylaw takes direction from the OCP and conforms with its policy direction.

¹ Province of BC, Zoning Bylaws. <https://www2.gov.bc.ca/gov/content/governments/local-governments/planning-land-use/land-use-regulation/zoning-bylaws>.

The City's first Zoning Bylaw (Bylaw No. 740) was adopted in 1938 and was updated four times² over the decades. The current Zoning Bylaw was adopted in 1998 and largely replicated its precursor, (Bylaw No. 4500) from 1976. The new OCP2040 provides an opportunity to update the bylaw, modernize the regulations and revise the document to be relevant to the development issues and needs of Kelowna residents today.

Discussion:

The proposed new Zoning Bylaw is intended to align with Imagine Kelowna and the City's new 2040 OCP, meet current Provincial legislative requirements, and respond to current development and real estate trends. It will consider the recommendations contained within several previous Council approved planning initiatives and projects including the Healthy Housing Strategy, the Capri-Landmark Urban Centre Plan, the Transportation Master Plan, Kelowna's Agriculture Plan, Kelowna's Urban Centre Roadmap, and recent changes to the BC Building Code – and is intended to act as a base upon which all the future planning initiatives can be layered on.

Additionally, proposed layout and format improvements to the new Zoning Bylaw as well as land use category consolidations are intended to update and simplify the document, making it more user-friendly to the public and community members, developers, staff and Council. The new format will also aid in future updates or amendments to the Zoning Bylaw in the coming years as staff acknowledge the need to keep the document up to date with future planning and development initiatives.

New Zoning Bylaw objectives:

The new Zoning Bylaw is proposing to achieve six key objectives, outline as the following:

1. Consolidate Zones

- Consolidate zones to reduce the overall number of industrial, commercial, and multi-family zones.
- Improve document formatting and layout, searchability function, including the use of zoning tables and hyperlinks.

2. Consolidate Land-Use Categories

- Reduce the overall number of land use categories.
- Update old terminology and modernize land use definitions.
- Reduce overlap and redundancy between categories.

3. Update Building Height Regulations

- Current urban zones have four storey height limits, but the BC building code allows up to six storeys, triggering unnecessary variances.
- Include height provisions in mixed-use and multi-family zones, generally along key transit-oriented corridors.
- Create new mixed-use zones for each Urban Centre to respond to the unique context and character.

4. Allow Towers and Mid-Rise Buildings in the Capri-Landmark Urban Centre

² Bylaw No. 2293 was adopted in 1961; Bylaw No 3500 was adopted in 1973; Bylaw No 4500 was adopted in 1976.

- Permit higher rise buildings (less than 20 storeys) as part of the City's Capri-Landmark Urban Centre Plan.
- Coordinate Capri-Landmark Urban Centre Plan with the new specific zone for the area.

5. *Simplify Density Bonusing Policy*

- Create fair and equitable bonusing provisions in mixed-use and multi-family zones – generally in Urban Centres and along key roadway corridors.

6. *Provide a modernized Zoning Bylaw that will continue to be updated as new policies are adopted.*

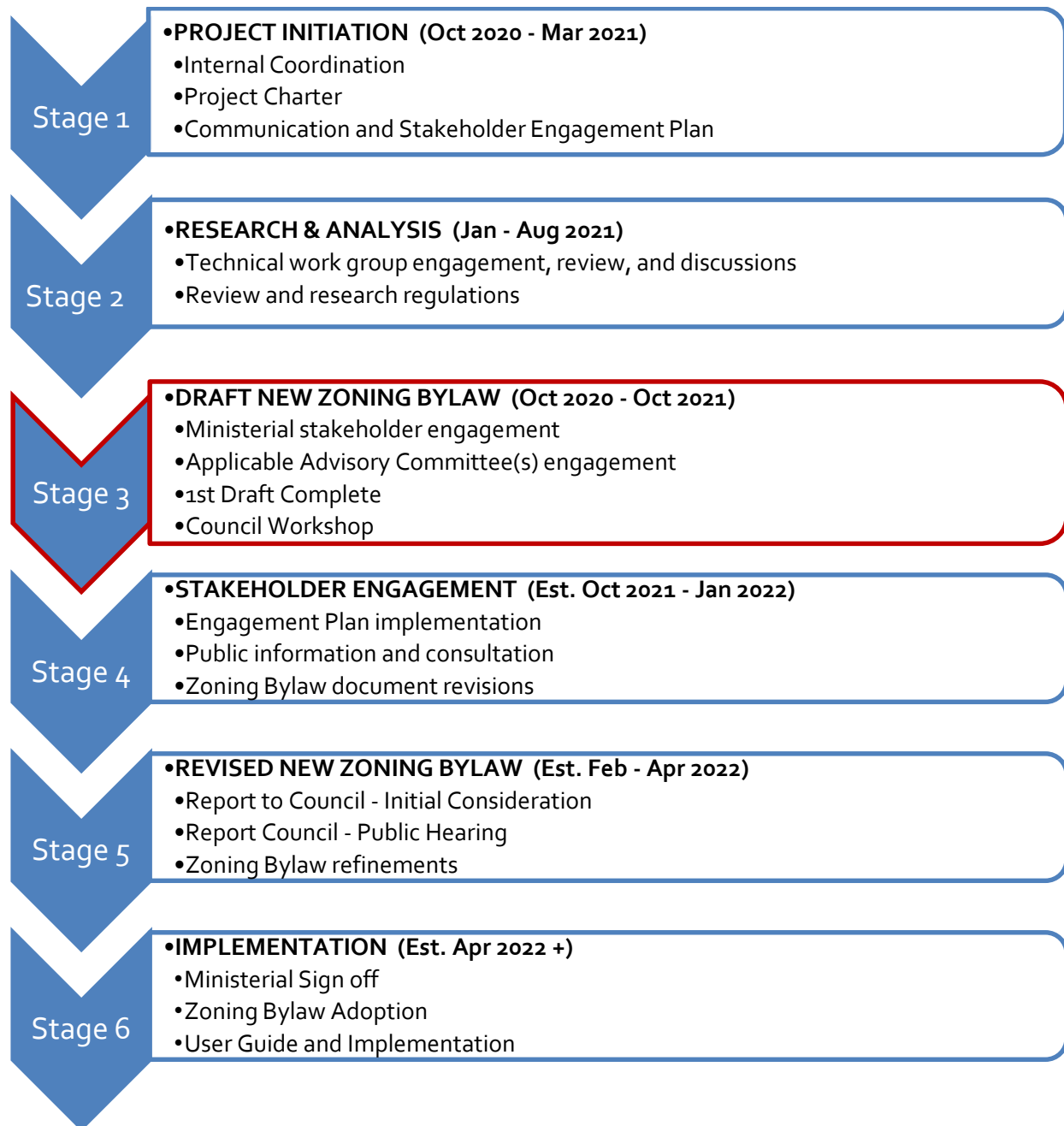
- Transition away from form-based regulations and overly prescriptive rules in favour of promoting more performance-based objectives to leverage private-sector and industry innovation and context sensitive solutions.
- Minimize common variances that are usually supported by the Planning Department and approved by Council.

Project Timeline:

The new Zoning Bylaw project is a six-stage process that began in fall of 2020 (Figure 1), that commenced with Project Initiative stage, involving internal stakeholder coordination, defining the Project Charter as well as the Communication and Stakeholder Engagement Plan. Since then, the project advanced through Research and Analysis stage and a first draft of the new Zoning Bylaw was completed.

The project is now proposed to move forward to the Stakeholder Engagement stage. Once the Stakeholder Engagement stage is completed, the project will advance to the next stages; Council's Initial Consideration of the proposed new Zoning Bylaw and Public Hearing, followed by the Adoption of the Bylaw and finally the Implementation stage.

Figure 1: The New Zoning Bylaw - Project Stages



Public and Stakeholder Engagement Process:

Public engagement related to the new Zoning Bylaw was first initiated in 2019 in conjunction with 2040 OCP engagement events. This included multiple open houses, where Staff provided information to the general public on the key objectives of the proposed new Zoning Bylaw.

To date, the Ministry of Agriculture (MoA), Agriculture Land Commission (ALC) and the Agriculture Advisory Committee (AAC) have had the opportunity to provide formal comments in the form of virtual and in-person workshops with preliminary support of the new Bylaw. Additionally, the Ministry of Transportation and Infrastructure (MOTI) was engaged in preliminary review and discussions of the proposed new Zoning Bylaw ahead of a formal review process.

During Stage 4 of the project process, staff will provide the residents and stakeholders the opportunities to review and share feedback on the content of the new Zoning Bylaw. As well, staff will notify stakeholders of such opportunities, provide clear and accurate information via the communication forms listed below, to listen and finally to report back. The proposed stakeholder engagement timeline is summarized in Figure 2.

Figure 2: Proposed stakeholder and public engagement timeline



The engagement process sets out to:

1. Inform public and stakeholders on the proposed changes to the Zoning Bylaw; and
2. Gather resident and stakeholder feedback on the proposed changes to the Zoning Bylaw.

Aligned with these goals is one of the main objectives of the new Zoning Bylaw: to make the new Bylaw document more user friendly through modernization and simplification. One of the goals of the stakeholder consultation is to ensure this objective was achieved.

Due to the COVID-19 public health crisis and the existing provincial health orders, stakeholders and public engagement will aim to be inclusive whilst prioritizing the health and safety of our community. As a result, engagement will take place online. Activities will include:

- **Get Involved platform:** The City's Get Involved platform allows for the development of a variety of engagement tools. Starting in early-October, residents will be able to share feedback and provide comment. Participants will also be able to pose questions directly to staff via the question-and-answer tool.

- **Virtual stakeholder meetings:** Meetings will be held with key community stakeholders to review the draft new Zoning Bylaw and receive feedback on its content. Key stakeholders include the Ministry of Transportation and Infrastructure (MOTI) and the MoA as signing authorities, as well as other stakeholders such as Community Associations and the Urban Development Institute (UDI) as deemed required.

Next Steps:

The launch of the proposed new Zoning Bylaw through the City's Get Involved website will begin in early-October 2021. It will be supported by newsletters, website, and social media postings to deliver information to the public and stakeholders.

Following stakeholder and public engagement, the project will then advance to the final two stages; refinement of the new Zoning Bylaw ahead of Council Initial Consideration and Public Hearing, followed by the Bylaw Adoption and Implementation stage.

The proposed draft new Zoning Bylaw can be accessed on the City of Kelowna's website here, [Draft New Zoning Bylaw](#), as well is attached to this report.

Internal Circulation:

Policy and Planning Department

Considerations not applicable to this report:

Legal/Statutory Authority
Legal/Statutory Procedural Requirements
Existing Policy
Financial/Budgetary Considerations
External Agency/Public Comments
Communication Comments

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