

Report to Council



Date: November 14, 2016
File: 1200-30
To: City Manager
From: Ryan Roycroft, Planner
Subject: Removal of Development Permit Areas

Recommendation:

THAT Official Community Plan Text Amendment Application No. OCP16-0025 to amend Kelowna 2030 - Official Community Plan Bylaw No. 10500 as outlined in Schedule "A" attached to the Report from the Community Planning Department dated November 14, 2016 be considered by Council;

AND THAT Council considers the Public Hearing public process to be appropriate consultation for the *Purpose* of Section 879 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated November 14, 2016

AND THAT the Official Community Plan Text Amending Bylaw be forwarded to a Public Hearing for further consideration.

Purpose:

To consider amendments to the Official Community Plan to remove Development Permit areas for Intensive Residential and Character Neighborhood Areas.

Background:

This third report regarding the Infill Challenge addresses proposed Development Permit requirement changes. Recognizing the expected development pressures resulting from the implementation of the Infill Challenge, the proposed bylaw amendments would amend the Official Community Plan to remove the Character Neighbourhood Development Permit Areas and the Intensive Residential Permit Areas as applied to duplexes and carriage houses.

Over the past two decades, Kelowna has continued to accept more and more density in existing neighbourhoods, in the form of secondary suites and later carriage houses. With the adoption of the Infill Challenge bylaws, Kelowna will begin to see four units on identified properties.

To balance regulation and staff time, the City has traditionally reduced permitting requirements on lower density infill as it has opened opportunities for greater infill. The City deregulated rezoning requirements and permits for secondary suites as the door was opened for carriage houses. Now, as the City moves to allow greater infill, staff are recommending that the regulatory burden for Carriage Houses and Duplexes be reduced as well. The Infill Challenge also overlaps almost completely with the Character Neighbourhood Development Permit Area, with the exception in the north downtown. To avoid having multiple areas of Development Permit guidelines, staff are recommending that the Character Area Development Permit guidelines be removed from the bylaw.

The combined effect of these changes would be to essentially remove all Development Permit requirements for single and two family homes in the city, while requiring full Development Permit controls for 3 unit dwellings and above.

Character Area Permits

The Character Neighbourhood Permit overlaps very closely with the Infill Challenge Permit area. Retaining the permit area as it currently sits would lead to multiple permit processes on a single application.

The Character Neighbourhood Permit was intended to preserve the character of downtown neighbourhoods by controlling forms of single family development, including modifications and renovations to existing single family dwellings. As Council has moved to designate these properties for higher density use, the character of the neighbourhoods would be better controlled through the new Infill Development Permit process.

Intensive Residential Permit

The Intensive Residential Permit Area governs development of carriage houses and duplexes in the City, requiring that all carriage houses and duplexes go through a staff issued development permit process.

This permit process was introduced as the City began to allow carriage houses and expanded duplex zones, as a means of ensuring that these new forms of development would integrate into existing neighbourhoods.

Carriage houses and duplexes are much more accepted and encouraged forms of development today. The local development industry has developed products which fit comfortably into established neighbourhoods. Staff are of the opinion that the development permit process for such an established form of development is now acting as more of an obstacle than a benefit.

Properties would still be required to re-zone in order to construct a carriage house or duplex, so Council would retain control over determining whether a site was suitable for a carriage house or duplex.

Legal/Statutory Authority:

Section 488(e) of the Local Government Act allows a municipality to designate Development Permit Areas for intensive Residential Development.

Legal/Statutory Procedural Requirements:

A public hearing will be required as part of the OCP amendment. The public hearing for these amendments may be held with other public processes for other aspects of the Infill Challenge.

Existing Policy:

Currently, the City of Kelowna has designated a Character Area Development permit, which requires the approval of Development Permit prior to any development in designated neighbourhoods.

The City also requires the issuance of a Development Permit for any development of a carriage house or duplex in the City.

Both development permit areas require staff issued development permits, rather than Council issued permits. Council is only involved in the review process where the applicant is requesting a variance to the Zoning bylaw, or where a property must be rezoned. These requirements would not change with the draft amendments.

Financial/Budgetary Considerations:

Removing the requirement for Development Permits would reduce the number of permit applications and associated fees. Minor Direct Development Permits are currently \$900. In a typical year, an average of about 45 permits are taken for carriage houses and character area neighbourhoods, which would lead to a revenue decline of \$40,500. This would be partially offset by permit revenues from the new Infill Challenge Development Permit.

Personnel Implications:

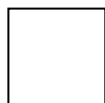
The amendments are intended to reduce staff time being dedicated to Intensive Residential (Carriage House and Duplex) permits to allocate that time towards Infill Challenge driven permits.

Considerations not applicable to this report:**Communications Comments:****External Agency/Public Comments:****Internal Circulation:**

Submitted by:

Ryan Roycroft, Planner

Approved for inclusion:



RS