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**MEETING TYPE:** Regular Council Meeting  
**MEETING DATE:** November 7, 2023  
**AUTHOR:** Brian Zurek, Manager of Planning  
**DEPARTMENT:** Planning and Development  
**ITEM TITLE:** Zoning Amendment Bylaw 1212, 2023 | Z2023-007 | Text Amendment  
**DESCRIPTION:** Proposed Tourist Commercial Zone and Associated Zoning Bylaw Amendments

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**PURPOSE**

To provide Council with options to authorize the redevelopment of Tourist Commercial properties without Apartment Hotel as a permitted use.

**RECOMMENDATION**

THAT no public hearing be held for Zoning Amendment (Z2023-007) Bylaw 1212, 2023;  
AND THAT staff be directed to give notice of the decision not to hold a public hearing;  
AND THAT Zoning Amendment (Z2023-007) Bylaw 1212, 2023 be brought back for consideration following the required notice.

**EXECUTIVE SUMMARY**

On February 21, 2023, Council considered a proposal to rezone (Z2021-002) the property at 11506 Turtle Bay Court from RU1 – Single Family Residential to C9 – Tourist Commercial to support the concept for an apartment hotel on the property. Council directed staff to provide options to limit or regulate Apartment Hotel as a permitted use in the Zoning Bylaw.

Following Council’s direction, staff propose a new tourist commercial zone (C9A – Tourist Commercial) with fewer permitted uses, including the removal of Apartment Hotel, and additional development density. Additionally, the proposed amendment would permit an associated use (Boat Storage) in the I1 – Industrial zone.

Should Council support the Zoning Bylaw amendment, the owner of the property at 11506 Turtle Bay Court would amend the in-stream application (Z2021-002) to request C9A zoning for the development property.

**BACKGROUND/HISTORY**

At its meeting on February 21, 2023, Council considered a proposal to rezone (Z2021-002) the property at 11506 Turtle Bay Court from RU1 – Single Family Residential to C9 – Tourist Commercial for the purpose of constructing an apartment hotel. Council passed first reading of the associated amendment (Bylaw 1214, 2023), but expressed concern regarding the proposed Apartment Hotel use in the C9 zone and directed staff to propose options to update the regulations. Council passed the following motions:

*2023-02-028*

*It was moved and seconded.*

*THAT Zoning Amendment (Z2021-002) Bylaw 1199, 2023 be read a first time.*

*Carried.*

*2023-02-029*

*It was moved and seconded.*

*THAT staff be directed to bring forward options for further defining the use of apartment hotels in the C9 zone.*

*Carried.*

Council indicated support for a new tourist commercial zone that did not include the Apartment Hotel use. As a result of the Council resolution, staff drafted a new tourist commercial zone for Council's consideration (Attachment A). The draft bylaw also proposes to amend the I1 – Industrial zone allowing Boat Storage as a permitted use. Currently, Boat Storage is permitted only in the C9 – Tourist Commercial zone.

#### SITE CONTEXT

The OCP-designated Tourist Commercial properties are located along or near the waterfront on Wood, Kalamalka, and Okanagan Lakes (Attachment B).

**TABLE 1: FILE CHRONOLOGY**

| Date               | Event   |
|--------------------|---|
| 2019-07-19         | Council adopted the Official Community Plan (2018-2038) Bylaw 1065, 2018. The Tourist Commercial future land use remained unchanged from the previous Official Community Plan.  |
| 2021-02 to 2021-06 | The District received two C9 – Tourist Commercial rezoning applications for the development of proposed apartment hotels on Turtle Bay Court in the Woodsdale Neighbourhood.  |
| 2023-02-21         | Council considered the rezoning for one application (11506 Turtle Bay Court) that included an apartment hotel as a development concept and gave first reading to the associated bylaw. Council directed staff to bring forward options to limit or regulate the use of Apartment Hotels in the C9 zone. |
| 2023-11-07         | Request for Council to consider draft C9A - Tourist Commercial zone.  |

#### DISCUSSION/ANALYSIS

The Official Community Plan (OCP) designates 50 ha with the Tourist Commercial future land use designation, which is approximately 0.4% of the District's total area. The Tourist Commercial designation includes both rural land, with limited access to services, and urban land, which has higher redevelopment potential. Given the range in types of property designated for future Tourist Commercial land use, there is reason to have more than one zone addressing Tourist Commercial development. The proposed C9A zone would accommodate Tourist Commercial uses in a more urban setting, on properties located within the Urban Containment Boundary (UCB). No changes are proposed to the OCP Tourist Commercial future land use designation.

#### Proposed Changes

The following table compares the proposed principal and secondary uses in the draft C9A zone with the existing uses in the C9 zone.

**TABLE 2: DRAFT C9A AND C9 ZONE COMPARISON OF USES**

|                | C9A – Tourist Commercial*   | C9 – Tourist Commercial**   |
|----------------|---|---|
| Principal Uses | <p><b>(a) breweries and distilleries, minor</b><br/> <b>(b) food primary establishment</b><br/> <b>(c) liquor primary establishment</b><br/>           (d) hotels<br/>           (e) motels<br/>           (f) participant recreation services, indoor<br/> <b>(g) spectator entertainment establishments</b></p> | <p><b>(a) amusement arcades, major</b><br/> <b>(b) amusement establishments, outdoor</b><br/> <b>(c) apartment hotels</b><br/> <b>(d) boat storage</b><br/> <b>(e) drive-in food services</b><br/>           (f) hotels<br/>           (g) motels<br/> <b>(h) multiple dwelling housing on Lot A, Plan KAP82281, O.D.Y.D.</b><br/>           (i) participant recreation services, indoor<br/> <b>(j) tourist campsites recreational tourist accommodation</b><br/> <b>(k) retail stores, convenience on 16012 Oyama Road.</b></p> |

|                |  |   |
|----------------|--|---|
| Secondary Uses | (a) licensee retail liquor store<br>(b) offices<br>(c) personal service establishments<br>(d) residential security operator unit<br>(e) retail stores, convenience | <b>(a) amusement arcades, minor</b><br><b>(b) care centres, major</b><br><b>(c) food primary establishment</b><br>(d) licensee retail liquor store<br><b>(e) liquor primary establishment, minor</b><br>(f) offices<br>(g) personal service establishments<br>(h) residential security operator unit<br>(i) retail stores, convenience<br><b>(j) utility services, minor impact</b><br><b>(k) gas bar and marine fuel facility on 16012 Oyama Road.</b> |
|                | *Bold Text identifies proposed C9A uses not included in C9 zone  | **Bold text identifies C9 uses not proposed in the C9A zone (others included)   |

The draft C9A zone includes principal uses that align with urban-oriented tourist commercial development including traditional commercial accommodations (hotels, motels), entertainment services (cinemas, theaters), restaurants, neighbourhood pubs and craft breweries.

The draft C9A zone does not include principal uses existing in the C9 zone including apartment hotels, rural recreational (amusement establishments, outdoor, boat storage), car-oriented (drive-in food services), and site-specific uses.

The draft C9A zone also blends development regulations (building density, height, setbacks) from the existing C9 and C1 – Town Centre zones, permitting more building area than C9 zone, and less building area than C1 zone.

**TABLE 3: COMPARISON OF DRAFT C9A AND COMMERCIAL ZONE DEVELOPMENT REGULATIONS**

| Zoning Bylaw Provision                         | C9A                                 | C9  | C1   |
|--|-------------------------------------|---|--|
| Minimum Lot Width/Depth/Area                   | 30m/35m/1800 m <sup>2</sup>         | 30m/35m/1800 m <sup>2</sup>                     | 6m/30m/200 m <sup>2</sup>  |
| Density (Units or FAR)                         | 1.5 FAR                             | 0.5 FAR<br>1.5 FAR for Apt. Hotel and Hotel     | 1.5 FAR for Commercial<br>3.0 for Mixed Use (3.5 with amenity)<br>+0.2 non-surface parking<br>+0.1 housing agreement |
| Site Coverage - Total                          | 40%                                 | 40%   | None   |
| Setbacks                                       |                                     |   |  |
| Front  | 6.0m                                | 6.0m  | 2.0m   |
| Side (Interior)                                | 3.0m                                | 3.0m  | 0.0m   |
| Side (Exterior – flanking street)              | 4.5m                                | 4.5m  | 0.0m   |
| Rear   | 4.5m                                | 4.5m  | 0.0m   |
| Building Height                                | 3 storeys/12.4m (Hotel 6 st./22.0m) | 2 storeys/11.0m (Apt. & Apt. Hotel 6 st./22.0m) | 3 storeys/12.4m (Apt. & Apt Hotel 6 st./22.0m)*  |
| Mixed Use Provisions – ground floor commercial | All uses considered commercial      | No commercial requirement for apartment hotels  | First floor commercial<br>Min 90% street frontage, 50% of gross floor area   |

|                      |   |   |  |
|----------------------|---|---|--|
| Mixed Use Provisions | Offices must serve primary use & most secondary uses are limited to 90m <sup>2</sup> floor area | Offices must serve primary use & most secondary uses are limited to 90m <sup>2</sup> floor area | No limit on offices or size of secondary uses. |
|                      |   |   | *See Zoning Bylaw for additional details.      |

The draft C9A zone proposes maximum building heights (base: three storeys; density bonus: six storeys) consistent with the C1 zone but retains the overall development density (FAR 1.5) of the C9 zone.

Other regulations would remain consistent between the draft C9A and C9 zones, including landscaping buffers and off-street (vehicle, bicycle) parking rates.

#### Draft C9A Zone: Applicable Area

OCP-designated Tourist Commercial properties within the UCB are concentrated in the Woodsdale and Oyama areas, and these properties may be suitable for rezoning to C9A in the future.

The Zoning Bylaw amendment, as proposed, would not rezone any C9-zoned properties in the District of Lake Country; however, as noted previously, should Council support the amendment, the owner of 11506 Turtle Bay Court would amend the associated in-stream development application to rezone the parcel to C9A. Assigning the C9A zone to at least one property would be consistent with advice received from the District's solicitor.

#### Alternatives to the Draft C9A Zone

The draft C9A zone would allow Council to authorize the redevelopment of OCP-designated Tourist Commercial properties without Apartment Hotel as a permitted use. The Zoning Bylaw amendment would neither alter the existing C9 zone, nor other existing zones (C1 – Town Centre) with Apartment Hotel as a permitted land use.

Amending the Apartment Hotel definition in the Zoning Bylaw would also be an alternative to eliminating the use from one or more existing zones. The draft C9A zone does not include an amended definition of Apartment Hotel in the proposed amendment.

Should Council wish to broaden the scope of the proposed amendment to amend the C1 or C9 zones, or to amend the definition of Apartment Hotel in the Zoning Bylaw, more holistic consultation with affected landowners would be required. Staff can bring back associated options for consideration as directed by Council.

#### Boat Storage

The Zoning Bylaw permits Boat Storage as a permitted (principle) use in the C9 zone only. As noted previously, C9-zoned properties are located near local lakes, and Boat Storage has been a practical and historic land use permitted in the zone; however, population growth and the expansion of the recreational tourist industry (for services and accommodations) has increased the demand for land in the DLC, specifically waterfront properties with urban services.

The proposed Zoning Bylaw amendment would expand Boat Storage as a permitted (principle) use to the I1 zone (Attachment C). Expanding the use to the I1 zone would expand the land base available for boat storage and permit the use on properties away from the waterfront that are experiencing relatively fewer redevelopment pressures. Additionally, boat storage, as a permitted use, is consistent with the existing uses in the I1 zone, including commercial storage, convenience vehicle rentals, equipment rentals, and fleet services.

### **APPLICABLE LEGISLATION, BYLAWS AND POLICIES**

#### **Local Government Act**

Part 14, Division 3, Public Hearings on Planning and Land Use Bylaws

**464 (2)** A local government is not required to hold a public hearing on a proposed zoning bylaw if

- (a) an official community plan is in effect for the area that is the subject of the zoning bylaw, and  
 (b) the bylaw is consistent with the official community plan.

### Official Community Plan (OCP)

18.5 Tourist Commercial Designation: describes the future land use anticipated to meet the needs of the District's commercial tourism industry over the timeline (2018-2038) of the OCP.

### Zoning Bylaw

16.3 C9 – Tourist Commercial

Purpose: The purpose is to designate and preserve land for the orderly development of commercial visitor facilities.

### Economic Development and Tourism Strategy 2022-2027, August 2022

4 Enhance Tourism and Visitor Experience

❖ Challenge: Attract the right type of visitor to help benefit local businesses who rely on tourism clientele, specifically seasonal. Better understand what Lake Country visitors want and expect while being in the community and providing the appropriate services and resources to minimize disruption to locals.

### IMPACT ON INFRASTRUCTURE, SERVICES AND STAFF CAPACITY

No additional impact on infrastructure or services is expected. Should Council support the proposed Zoning Bylaw amendment, no additional impact is anticipated to administer the Bylaw.

### FINANCIAL IMPLICATIONS

None       Budget Previously Approved       Other

### CONSULTATION

Discussions on the proposed Zoning Bylaw amendment were limited to DLC staff.

### COMMUNICATIONS

Subject to the requirements of the Local Government Act, the DLC will advertise the proposed Zoning Bylaw amendments in the local newspaper. Members of the public will be notified to contact the DLC for additional information.

### ALIGNMENT WITH COUNCIL STRATEGIC PRIORITIES

- Create and Support Opportunities for a Healthy, Active and Inclusive Community
- Create Infrastructure That Meets Community Needs
- Encourage Growth of the Downtown Core
- Ensure Sustainable Water Service Delivery for the Community
- Explore Opportunities to Engage With Regional Local Governments for the Betterment of the Community
- Honour Reconciliation by Strengthening Relationships and Inclusiveness With Our Indigenous Partners
- Identify and support improvements to the Development Process
- Implement the Agricultural Plan
- Preserve, Protect and Enhance Our Natural Environment
- Secure long term wastewater service delivery for our community
- Support Opportunities to Diversify Lake Country's Tax Base

### ALIGNMENT WITH MASTER PLANS

- |  |  |
|--|--|
| <input type="checkbox"/> Agricultural Plan                             | <input type="checkbox"/> Mobility Master Plan                              |
| <input type="checkbox"/> Climate Action Charter                        | <input type="checkbox"/> Parks & Recreation Master Plan 2019               |
| <input type="checkbox"/> Housing Needs Report                          | <input type="checkbox"/> Sanitary Sewer System Map                         |
| <input checked="" type="checkbox"/> Official Community Plan            | <input type="checkbox"/> Transit Future Plan-Central Okanagan Region-DRAFT |
| <input type="checkbox"/> Liquid Waste Management Plan Stage 1/2 Report | <input type="checkbox"/> Transportation for Tomorrow                       |
| <input type="checkbox"/> McCoubrey Plateau Area Structure Plan         | <input type="checkbox"/> Water Master Plan                                 |

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**OPTIONS**

The following options are presented for Council's consideration:

- A. THAT Zoning Amendment (C9A - Tourist Commercial) Bylaw 1212, 2023 be read a first and second time;  
AND THAT Zoning Amendment (C9A - Tourist Commercial) Bylaw 1212, 2023 be forwarded to a public hearing.
- B. THAT Zoning Amendment (C9A - Tourist Commercial) Bylaw 1212, 2023 not be read a first time, and the file be closed.
- C. THAT Zoning Amendment (C9A - Tourist Commercial) Bylaw 1212, 2023, be deferred, and that staff be instructed to provide additional information as identified by Council.

**Collaborators:** *(each individual collaborator to add name and date reviewed)*

| Name | Date Reviewed |
|------|---------------|
|      |               |
|      |               |
|      |               |

Respectfully Submitted,  
Brian Zurek, Manager of Planning

## Report Approval Details

|                      |  |
|----------------------|--|
| Document Title:      | Proposed C9A - Tourist Commercial Zone.docx  |
| Attachments:         | - Attachment C - Industrial Future Land Use and Zoning.pdf<br>- Attachment B - Tourist Commercial Future Land Use and Zoning.pdf<br>- Attachment A. Draft Zoning Amendment (C9A - TC + I1 - I3 Boat Storage) Bylaw1212, 2023.pdf |
| Final Approval Date: | Oct 30, 2023   |

This report and all of its attachments were approved and signed as outlined below:

**No Signature found**

**Jared Kassel, Director of Planning & Development - Oct 30, 2023 - 10:46 AM**

**No Signature found**

**Reyna Seabrook, Director of Corporate Services - Oct 30, 2023 - 10:59 AM**

**Leslie Groulx, Interim Chief Administrative Officer - Oct 30, 2023 - 1:30 PM**