

REPORT TO COUNCIL



Date: February 5, 2018

RIM No. 1250-04

To: City Manager

From: Community Planning Department (RS)

Application: TA16-0002

Applicant: City of Kelowna

Subject: General Housekeeping Amendments to Zoning Bylaw No.8000

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA16-0002 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule A attached to the Report from the Community Planning Department dated February 5, 2018 be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Bylaw No.11440 be repealed.

2.0 Purpose

To amend Zoning Bylaw No. 8000 with Housekeeping amendments to ensure Zoning bylaw remains consistent with City Policies, keeping up to date zoning language, correcting inconsistencies and adapting to changes in the community. Changes include adding Supportive Housing to the C10 – Service Commercial and P2 – Education and Minor Institutional zones, and Temporary Shelter Services to the C3 – Community Commercial, C9 – Tourist Commercial, C10 – Service Commercial, I2 – General Industrial, I4 – Central Industrial, and P2 – Education and Minor Institutional zones.

3.0 Community Planning

In order to provide customers with accurate information, and while striving for service excellence, the Community Planning Department attempts to forward regular Zoning Bylaw housekeeping amendments to Council for consideration. These text amendments consist of:

- Ensuring the Bylaw remains consistent with other City policies;
- Keeping the Bylaw language up-to-date;
- Correcting errors and inconsistencies; and
- Adapting to changes in the community and City policy direction.

Housekeeping amendments typically do not include regulation changes, therefore a summary table of the proposed amendments is attached to the report for review. However, when regulation changes are proposed, supporting rationale will be outlined in the report.

This particular report includes policy alignment, text corrections, and land use location updates.

The land use location updates include adding *Supportive Housing* to the C10 – Service Commercial and P2 – Education and Minor Institutional zones, and *Temporary Shelter Services* to the C3 – Community Commercial, C9 – Tourist Commercial, C10 – Service Commercial, I2 – General Industrial, I4 – Central Industrial, and P2 – Education and Minor Institutional zones. These changes have been initiated in order that a larger number of City zones can accommodate both the Supportive Housing and Temporary Shelter Services land use. An updated rationale has been provided below (Section 5 of this report) which highlights the rationale for the proposal changes in the context of the recent Housing Needs Assessment and Official Community Plan).

4.0 Proposal

4.1 Background

On August 15, 2017 Council held a Public Hearing to amend Zoning Bylaw No. 8000 with various Housekeeping amendments. The statutory notification requirements for this Public Hearing were the posting of the Notice at City Hall and placing notification in two consecutive issues of the Daily Courier on August 04 and 09th, 2017. As this amendment affected more than 10 properties and 10 owners, there was no statutory requirement to deliver notices to affected property owners. Unfortunately, there was an omission from the newspaper notification that would call the validity of the amending bylaw into question, should the bylaw be challenged in court. In order to avoid this uncertainty, staff recommend the rescinding of Bylaw No. 11440 and the reintroduction of a new text amendment bylaw.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 10.1 Promote social well-being and quality of life by providing facilities and services for all community members.

Policy .1 Distribution of Community Resources. Appropriately distribute and locate community resources (such as libraries, parks, meeting places, community policing, recreation services etc.) so that all neighborhoods have convenient access.

Objective 10.2 Increase community engagement.

Policy .1 Stakeholder Involvement. Involve a broad range of interests identifying solutions for emerging issues, including residents, businesses, non-profits, major institutions, and utility providers, with a particular effort given to involving those typically not engaged in community decisions.

Objective 10.3 Support the creation of affordable and safe rental, non-market and/or special needs housing.

Policy .1 Housing Availability. Support the provision of housing for all members of the community, including those in core housing need or requiring special needs housing (transitional, age in place, emergency or shelter).

5.2 Housing Needs Assessment

Kelowna is currently facing unprecedented housing challenges. Like many other cities across Canada, Kelowna has rapidly escalating housing costs, extremely low rental vacancy and increased population growth. People from every walk of life are susceptible to housing vulnerability. As a community, it is essential to have systems in place to act as a Safety Net for those who are experiencing a lack of housing or tenuous or inappropriate housing.

Housing found within the Safety Net (shelter and short-term supportive housing) and Housing with Supports (long-term supportive housing and subsidized rental housing) sections of the Wheelhouse are feeling the crunch. Recent increases in shelter usage is indicating a significant increase in the numbers of individuals experiencing homelessness – the average number of individuals staying in one shelter each night has increased from 74 in 2015 to 90 in 2016. A Point in Time Count indicated that there were 233 absolutely homeless individuals and a further 273 individuals counted as temporarily housed and identified as at risk of homelessness (2016). Individuals are staying in short-term supportive housing for longer – while typically intended for up to two or three years, some units have had the same occupant for up to seven years.

Data indicates that there are significant waitlists for housing within the Housing with Supports segment of the Wheelhouse, with government and non-profit housing wait lists having almost 800 active applications. Individuals, families and seniors with modest incomes who require only financial supports are competing in the market for units, and as prices escalate and vacancy rates decrease, they are increasingly constrained in their ability to attain rental units.

5.3 Public Notification

It is normal City practice that when a rezoning, OCP or Text Amendment application impacts more than 10 properties with more than 10 different owners, mail-outs to impacted property owners are not initiated because none are required by the Local Government Act. Newspaper (and online) advertising remains part of the process.

Reviewed by:



Ryan Smith, Community Planning Department Manager

Approved for Inclusion:



Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Schedule "A" – Proposed Zoning Bylaw No.8000 Text Amendments