

Report to Council



Date: February 14, 2022
To: Council
From: City Manager
Subject: 453 Barkley Road Z20-0093 Rescind Bylaw No. 12256
Department: Development Planning Department

Recommendation:

THAT Council receives, for information, the Report from the Development Planning Department dated February 14, 2022, with respect to Rezoning Application No. Z20-0093 for Lot 28 District Lot 167 ODYD Plan 13550, located at 453 Barkley Road, Kelowna BC;

AND THAT Bylaw No. 12256 be forwarded for rescindment consideration.

Purpose:

To rescind first reading given to Rezoning Bylaw No. 12256 and proceed with notice of first reading.

Development Planning:

An application to rezone the subject property was made on October 21, 2020 to rezone from the RU1 – Large Lot Housing zone to the RU1c – Large Lot with Carriage House zone to allow for the development of a carriage home.

Bylaw No. 12256 received first reading at a Regular Meeting of Council on [July 26, 2021](#). The Staff recommendation at first reading was to support the rezoning application initially and to waive the Public Hearing, both of which were supported by Council. For second reading to occur following initial consideration, the applicant was required to post development signage on the subject site which they were unable to complete. During the time this application was in-stream, formal changes were made to the Local Government Act (LGA) surrounding the process for public hearings.

As of November 25, 2021, Bill 26 received Royal Assent which brought into effect changes around public hearings for zoning bylaws that are consistent with the Official Community Plan (OCP). Zoning bylaws that are consistent with the OCP no longer require a public hearing. As such waiving the Public Hearing for this application is no longer an option. As such to follow the new process set out through LGA 464(2), Staff are recommending rescind first reading and follow notice of first reading requirements set out through LGA. 467. Following notice of first reading, the new Bylaw No. 12328 will be brought back to Council for reading consideration.

Subject Property Map: 453 Barkley Road



Submitted by: Andrew Ferguson, Planner II

Reviewed by: Jocelyn Black, Urban Planning Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services