

Report to Council



Date: November 14, 2022
To: Council
From: City Manager
Department: Development Planning
Application: Rescindment **Owner:** City of Kelowna
Address: Various **Applicant:** City of Kelowna
Subject: Rescind Bylaw Readings

Recommendation:

THAT Council receives, for information, the Report from the Development Planning Department dated November 14, 2022, with respect to rescinding bylaw readings of rezoning, Official Community Plan (OCP), Text Amendment (TA) and Land Use Contract Termination (LUCT) bylaw amendment applications;

AND THAT the bylaws as outlined in Schedule "A" attached to the Report from the Development Planning Department dated November 14, 2022 be considered by Council for rescindment;

AND FURTHER THAT all bylaw readings listed in Schedule "A" be forwarded for rescindment consideration and the files be closed.

Purpose:

To rescind all bylaw readings given to obsolete Rezoning, Official Community Plan (OCP), Text Amendment (TA) and Land Use Contract Termination (LUCT) bylaws as outlined in Schedule "A", and direct Staff to close the files.

Background:

On September 26, 2022, the City's new Zoning Bylaw No. 12375 was adopted. Following the adoption of the new Bylaw, the Development Planning Department conducted a review of all Development Bylaws sitting at first or third reading under the previous Zoning Bylaw No. 8000. A total of 26 Bylaws were found to have received readings between November 2015 and May 2022 but were never adopted under Bylaw

No. 8000. There are 20 rezoning, three Official Community Plan (OCP), two Text Amendment (TA), and one Land Use Contract Termination (LUCT) Bylaw amendment applications. The Bylaw amendment applications that were not adopted under Bylaw No. 8000 now require rescindment as a result of the adoption of the new Zoning Bylaw No. 12375. Should the owner of any of these properties contemplate future development, a new application would be required to be submitted under the new Zoning Bylaw.

In regard to the Land Use Contract bylaw included in this report, the deadline for local governments to terminate land use contracts was June 30, 2022 as per the Local Government Act. Since the deadline has passed, it now requires the bylaw to be rescinded and the land use contract will remain in effect until the Province eliminates them on June 30, 2024.

Conclusion:

Staff recommend Council rescind all readings given to the Development Bylaws listed in Schedule "A" and the files be closed as part of an administrative clean-up initiative triggered by the adoption of the new Zoning Bylaw No. 12375.

Internal Circulation:

Development Engineering

Submitted by: Barbara B. Crawford, Planner II

Approved for inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule "A" – Rescind Bylaw Readings

Schedule "B" – Legal Descriptions and Address for Z19-0079 (LUC76-20)

cc:

Development Engineering