

Report to Council



Date: December 5, 2022
To: Council
From: City Manager
Subject: Development Application and Heritage Procedures Bylaw No. 12310
Administrative Amendment to align with Kelowna 2040 Official Community Plan
Bylaw No. 12300 and Zoning Bylaw No. 12375
Department: Development Planning

Recommendation:

THAT Council receives, for information, the report from the Development Planning Department, dated December 5, 2022, with respect to amending the Development Applications and Heritage Procedures Bylaw No. 12310 for changes to the delegation of authority requirements;

AND FURTHER THAT Bylaw No.12466 being Amendment No. 2 to the Development Applications and Heritage Procedures Bylaw be advanced for reading consideration.

Purpose:

To amend the Development Application and Heritage Procedures Bylaw No. 12310 to align the delegated authority of Form and Character Development Permits with Kelowna 2040 Official Community Plan Bylaw No. 12300 and Zoning Bylaw No. 12375.

Background:

The Development Application and Heritage Procedures Bylaw No. 12310 (Procedures Bylaw) establishes the procedures for the processing of land development applications. Under the Local Government Act Section 490 a Local Government may delegate the power to issue Form and Character Development Permits. Under the Kelowna 2030 Official Community Plan (2030 OCP), Form and Character Development Permits for Intensive Residential Development had been delegated to Department Manager, Development Planning. These primarily included Development Permits for fourplexes constructed under the RU7 – Infill Housing zone. This was established through the designation of a Sensitive Infill Housing Development Permit Area within the 2030 OCP that contained the RU7 zoned properties.

Due to the adoption of Kelowna 2040 Official Community Plan (2040 OCP), the Sensitive Infill Housing Development Permit Area has been removed, and therefore the delegation of authority has become unclear. With the adoption of Zoning Bylaw No. 12375 (Zoning Bylaw), the RU7 zone has been replaced with MF1 – Infill Housing zone.

Therefore, Staff are proposing an administrative amendment which would allow the delegation of authority to Department Manager, Development Planning for the approval of Form and Character Development Permits for the MF1 – Infill Housing zone.

Discussion:

The purpose of the delegation of authority on Form and Character Development Permits is to add value by offering a lower application fee and improve customer service by reducing the length of the approval process for infill developments. The purpose of this amendment is to restore the same authority as was previously delegated to Department Manager, Development Planning. To achieve this under the 2040 OCP and new Zoning Bylaw, Staff recommend revised wording in Schedule '3' 1.1.1.(b) FORM AND CHARACTER DEVELOPMENT PERMITS in the Procedures Bylaw to read as follows:

- b) Form and Character Development Permits for residential development on an MF1 – Infill Housing zoned property, where:
 - i. The proposed development is consistent with the applicable Development Permit guidelines in the OCP.

Utilizing the revised wording, Department Manager, Development Planning would have the delegated authority to approve, issue, and amend Form and Character Development Permits for residential development on any MF1 zoned property, or any property that becomes MF1 zoned. Typical building types in this zone are duplexes, triplexes, and fourplexes.

In the years 2019, 2020, and 2021, Staff issued approximately 20-25 Development Permits each year for RU7 properties under this delegation of authority.

Should this proposed amendment not be supported, Form and Character Development Permits on a property that is zoned MF1 would require a Council approved Development Permit. Council approved Development Permits have a higher application fee, a longer circulation and processing time, and require a Council resolution to be approved and issued.

Conclusion:

To continue to offer value-added and improved customer service for multiple unit residential development on a property that is zoned MF1, Staff are recommending that the proposed amendment to the Procedures Bylaw be supported by Council.

Considerations applicable to this report:

Local Government Act: [Part 14 Sections 488, 490, 502](#)

Official Community Plan: [Chapter 18 Form and Character](#)

Zoning Bylaw No. 12375: [Section 13 – Multi-Dwelling Zones](#)

Development Application and Heritage Procedures Bylaw: [Section 2.3.5\(a\) and Schedule 3 1.1.1.\(b\)](#)

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Reviewed by:	Terry Barton, Development Planning Department Manager
Approved for Inclusion:	Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Schedule "A": Proposed Text Amendment