

Report to Council



Date: August 28, 2023
To: Council
From: City Manager
Department: Office of the City Clerk
Subject: Rezoning Bylaws Supplemental Report to Council

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated August 28, 2023 with respect to three rezoning applications;

AND THAT Council defer reading consideration of Rezoning Bylaws No. 12569, 12570 and 12571 to the September 11, 2023 afternoon Council meeting

Purpose:

To defer reading consideration for Rezoning Bylaws No. 12569, 12570 and 12571

Background:

Zoning bylaws that are consistent with the OCP do not require a public hearing. Public notice is given before first reading with signage on the subject property, newspaper advertisements, and mailouts in accordance with the Local Government Act and Development Application & Heritage Procedures Bylaw No. 12310.

Discussion:

Three Rezoning Applications were brought forward to Council for initial consideration on August 14, 2023. Notice of first reading was completed as outlined above, prior to the State of Emergency being declared in Kelowna and surrounding communities. Canada Post suspended delivery in Kelowna starting August 18, 2023 and although two letters of opposition were received, it is unlikely the mailed notices were received by all the neighbouring property owners and occupiers. The notice mail lists for the 4519 Horak Road application and the 1459 & 1467 Gordon Dr., 1104-1130 Lawson Ave and 1488 Aspen Court application each contain addresses in known evacuation areas (as of August 22, 2023). In addition, signage for the 870-872 Mayfair Road application was not erected as per City bylaw

requirements. For these reasons, staff recommend Council defer reading consideration of the respective bylaws until the next Council meeting, scheduled for September 11, 2023. Notices will be resent once Canada Post delivery service has resumed.

Correspondence was received as per the following table:

Address	Application	Bylaw	Recommended Readings	Correspondence Received
870-872 Mayfair Rd	Z23-0032	12569	defer	0
4519 Horak Rd	Z23-0030	12570	defer	2 - opposed
1459, 1467 Gordon Dr, 1467 Lawson Ave, 1488 Aspen Ct	Z23-0022	12571	defer	1 – concern 1 – support

These applications were brought forward with a recommendation of support from the Development Planning Department. Staff are recommending Council defer further readings of the Bylaws for the reasons identified in the Report.

Considerations applicable to this report:

Legal/Statutory Authority:

Local Government Act s. 464(2)

Legal/Statutory Procedural Requirements:

Following the notification period under s. 467 of the Local Government Act, Council may choose to:

- give a bylaw reading consideration,
- give a bylaw first reading and advance the bylaw to a Public Hearing, or
- defeat the bylaw.

Considerations not applicable to this report:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by: L Klaamas, Legislative Technician

Approved for inclusion: Stephen Fleming, City Clerk

cc: Development Planning