

# Report to Council



**Date:** April 15, 2024  
**To:** Council  
**From:** City Manager  
**Subject:** Policy Amendments Relating to Zoning Bylaw No. 12375  
**Department:** Development Planning

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**Recommendation:**

THAT Council Policy No. 282 being Strategy for Elimination of Remaining Land Use Contracts be rescinded;

AND THAT Council Policy No. 365 being Official Community Plan Consistency Policy, be revised as outlined in the Report from the Development Planning Department dated April 15, 2024;

AND THAT Council Policy No. 366 being Residential Permit Program, be revised as outlined in the Report from the Development Planning Department dated April 15, 2024;

AND THAT Council Policy No. 367 being Public Notification & Consultation for Development Applications, be revised as outlined in the Report from the Development Planning Department dated April 15, 2024;

AND FURTHER THAT Council Policy No. 369 being Circulation of Correspondence to Council, be revised as outlined in the Report from the Development Planning Department dated April 15, 2024.

**Purpose:**

To approve changes to various Council policies to align with recent provincial legislation and updates to Zoning Bylaw No. 12375.

**Background:**

On March 18, 2024 Council adopted bylaws to support Small-Scale Multi-Unit Housing (SSMUH) legislation. Development and Policy & Planning, the Office of the City Clerk, and Parking Services have subsequently identified multiple Council Policies that require amendments to align with adopted bylaws because of SSMUH legislation changes. Additionally, Staff have taken this opportunity to review outdated Council policies and rescind or make amendments as necessary, described in the "Discussion" section below.

**Discussion:*****Council Policy 282-Strategy of Elimination of Remaining Land Use Contracts***

Council Policy No. 282-Strategy for Elimination of Remaining Land Use Contracts provides the plan to terminate all remaining land use contracts (LUCs) in City lands. The *Local Government Act* required the appropriate land use to be adopted by local governments to all properties affected by LUCs by June 30, 2022. Following the date, all remaining LUCs are to be automatically terminated by June 30, 2024. Within the City of Kelowna's jurisdiction there are two remaining LUCs, and both were rezoned to the appropriate underlying zone with the adoption of Zoning Bylaw No. 12375. With the termination of the remaining two LUCs occurring in June, this Council Policy will no longer be required.

***Council Policy 365-Official Community Plan Consistency Policy***

Council Policy No. 365 - Official Community Plan (OCP) Consistency Policy provides guidance to public and staff to determine when a zoning bylaw amendment is consistent with the OCP for the purposes of determining when a public hearing is required, not required, or not permitted. The proposed changes to this policy reflect changes to public hearings mandated by *Provincial Bill 44: Housing Statutes (Residential Development)*.

***Council Policy 366-Residential Permit Program***

Council Policy No. 366 – Residential Permit Program provides administration of residential parking permit passes for areas with Residential Parking Restrictions for on-street parking. The proposed changes to this policy are to reflect the large volume of pre-zoned properties for increased density mandated by *Provincial Bill 44: Housing Statutes (Residential Development)* and *Bill 47: Housing Statutes (Transit Oriented Areas)*. The increase in density in existing neighbourhoods will place more pressure on on-street parking. The proposed changes include: reducing the quantity of visitor permits for one dwelling housing from two to one; reducing the quantity of residential permits for two dwelling housing from two to one, adding five and six dwelling housing to the list of eligible dwellings, and administrative updates to provide clarity and consistency throughout the policy.

***Council Policy 367-Public Notification and Consultation for Development Applications***

Staff are recommending that Council Policy 367 Public Notification and Consultation for Development Applications be amended to "Neighbour Notification and Information for Development Applications". This policy provides the standards and procedures for applicant neighbour notification, dependent on application type. The proposed changes to the policy are required due to *Provincial Bill 44: Housing Statutes (Residential Development)* which included the prohibition of public hearings in specified circumstances. The policy has been updated to focus neighbour notification on development applications that will be considered by Council. Table 1- Forms of Neighbour Notification indicates the required steps for each application type. The policy has been amended to be more prescriptive on requirements for hosting a Public Information Session and providing adequate feedback to staff on the outcome of the information session. Staff have created a bulletin to guide applicants on how to host a successful information session. Lastly, the policy amalgamated existing policy on development signage.

## *Council Policy 369- Circulation of Correspondence to Council*

Council Policy No. 369 Circulation of Correspondence to Council provides the processes related to the circulation of correspondence to Council. During the review and update of City bylaws and policies to reflect provincial housing legislation changes, staff determined that Council Policy No. 369 should be updated concurrently. No major content changes are proposed that would alter how correspondence is currently processed, rather the changes align the policy with legislation and increase the document's readability. For example, the policy is transparent that the *Freedom of Information and Protection of Privacy Act* applies to public correspondence.

### **Communications:**

Staff held information sessions on March 26 and April 5, 2024, with representatives from the Urban Development Institute, the Canadian Home Builders Association, and members of the local development, planning, architecture, and landscape design community to review proposed changes to the Procedures Bylaw, Fee Bylaw, and Council Policies.

### **Conclusion:**

Staff recommend support for the amendments to the attached Council policies.

### **Internal Circulation:**

Parking Services  
Policy and Planning  
Office of the City Clerk  
Building and Permitting  
Community Communications

### **Submitted by:**

J. Black, Urban Planning Manager

**Approved for inclusion:** R. Smith, Divisional Director, Planning, Climate Action & Development Services

### **Attachments:**

Attachment "A": Council Policy 282  
Attachment "B": Council Policy 365  
Attachment "C": Council Policy 366  
Attachment "D": Council Policy 367  
Attachment "E": Council Policy 369

### **CC:**

D. Duncan, Parking Services Manager  
R. Miles, Long Range Policy Planning Manager  
J. Taylor, Policy Analyst