



City of  
**Kelowna**

# Development Application & Heritage Procedures Bylaw No. 12310

Amendment No. 4

# Purpose

- ▶ To consider amendments to the Development Application and Heritage Procedures Bylaw No. 12310 to implement mandated legislation on Public Hearing procedures, improve processing of development applications, and conduct bylaw maintenance.

# Council Priority Alignment

- ▶ Affordable Housing
  - ▶ Implementing mandated legislation on Public Hearings will streamline residential housing approvals
  - ▶ Improving processing of development files to improve efficiency for applicants, Staff, and Council

# Background

- ▶ Bylaw to establish procedures for processing development applications:
  - ▶ Official Community Plan Amendments (OCP)
  - ▶ Zoning Amendments
  - ▶ Development Permits (Delegated & Council)
  - ▶ Development Variance Permits (Delegated Minor & Council)
  - ▶ ALC Applications, Temporary Farm Worker Housing
  - ▶ Others

# Proposed Amendments to Procedures Bylaw

1. Implement mandated legislation on Public Hearing procedures
2. Improve processing of development applications
3. Bylaw maintenance
  - ▶ No changes proposed to Heritage Procedures.
  - ▶ Heritage Procedure Amendments will be brought forward with OCP Amendments and Heritage Design Guidelines in late April or early May.

# Implement Legislation on Public Hearings

## Current:

- a) Upon receipt of a report from the **City Manager** respecting an application under Schedule '2' Council may:
  - i. Proceed with the bylaw pursuant to the amendment application ;
  - ii. Forward the amending bylaw or bylaws to a **Public Hearing** or waive the requirement for a **Public Hearing** as provided for in 464 of the *Local Government Act*;
  - iii. Reject or refuse the application; or
  - iv. Defer or otherwise deal with the application.

## Proposed:

- a) Upon receipt of a report from the **City Manager** respecting an application under Schedule '2' Council may:
  - i. Proceed with the bylaw pursuant to the amendment application ;
  - ii. Forward the amending bylaw or bylaws to a **Public Hearing, provided that a Public Hearing is permitted in accordance with section 464 of the Local Government Act**;
  - iii. Reject or refuse the application; or
  - iv. Defer or otherwise deal with the application.

# Public Hearing Streams

- i. Zoning or bylaw is **inconsistent** with OCP - a Public Hearing is **required**
  - ii. Zoning or bylaw is **non-residential** and **consistent** with OCP – Public Hearing is **not required**
  - iii. Zoning or bylaw is **residential** and **consistent** with OCP – Public Hearing is **not permitted**
- ▶ Amendments to Policy 365: OCP Consistency (under separate report)

# Improve Processing of Development Applications

- ▶ Unpair Development Permits & Rezoning Applications
- ▶ Pre-Development Tree Inventory discretionary
  - ▶ Consistent with provincial legislation
  - ▶ Local Governments may not preserve trees to hinder infill development
- ▶ Building Permits can be reviewed at same time as Development Permits



# Revise Delegated Authority Development Permits

## Development Permits Current:

- MF1 zoned properties
- Commercial, industrial & institutional that does not require MOTI approval and is not adjacent to residential

## Development Permits Proposed:

- Three – Six dwelling units
- Commercial, industrial & institutional that does not require MOTI approval and is not adjacent to residential (no change)

# Progress Update on Minor Delegated Variance Authority

- ▶ May 8, 2023 – March 8, 2024
- ▶ 17 in residential zoning and four in commercial and industrial zoning

Type	Quantity
Approved by Delegate	12
Cancelled by Applicant	2
Active Applications	7
<b>TOTAL</b>	<b>21</b>

- ▶ Scope & Scale, Use & Enjoyment, Natural Environment, Appropriateness, Public Interest

# Revise Delegated Authority Minor Development Variance Permits

## Current:

- Single and Two Dwelling Housing
- Commercial, industrial & institutional that does not require MOTI approval and is not adjacent to residential

## Proposed:

- One to Six Dwelling Units
- Commercial, industrial & institutional that does not require MOTI approval and is not adjacent to residential (no change)
- Sign Bylaw

# Bylaw Maintenance

- ▶ Update terminology
- ▶ Update definitions
- ▶ Update references to other bylaws
- ▶ Chart formatting
- ▶ Authority to execute Landscape Agreements

# Conclusion

- ▶ Staff recommend support for the amendments to the Development Application and Heritage Procedures Bylaw No. 12310:
- ▶ Streamline housing approvals, saving time and costs
  - ▶ Implement mandated legislation on Public Hearing procedures
  - ▶ Improve processing of development applications
  - ▶ Bylaw maintenance

