
CITY OF WEST KELOWNA

BYLAW NO. 0260.01

A BYLAW TO AMEND “DEVELOPMENT APPLICATIONS PROCEDURES BYLAW NO. 0260”

WHEREAS the Council of the City of West Kelowna desires to amend “DEVELOPMENT APPLICATIONS PROCEDURES BYLAW NO. 0260” under the provisions of the *Local Government Act*.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as “DEVELOPMENT APPLICATIONS PROCEDURES AMENDMENT BYLAW NO. 0260.01, 2022”.

2. Amendments

“Development Applications Procedures Bylaw No. 0260” is hereby amended as follows:

2.1 By deleting the phrase “does not require any variances” in the definition of Minor Development Permit in Section 2 Definitions.

2.2 By replacing Section 14.5.2 with the following:

14.5.2 The proposed development is not directly adjacent to or abutting a zone permitting single detached residential development in the Zoning Bylaw, unless there is significant topographical separation between the properties; and

2.3 By replacing Section 14.5.3 with the following:

14.5.3 If the proposed development contains apartment housing or congregate housing the proposed development is a maximum of three storeys in height and has a maximum floor area of 1400 square metres; and

2.4 By replacing Section 14.5.4 with the following:

14.5.4 Only variances which have been delegated are requested.

2.3 By replacing Section 14.6.2 with the following:

14.6.2 Only variances which have been delegated are requested.

2.4 By replacing Section 14.7.2 with the following:

14.7.2 Only variances which have been delegated are requested.

2.5 By replacing Section 14.8.2 with the following:

14.8.2 Only variances which have been delegated are requested.

2.6 By replacing Section 14.10.2 with the following:

14.10.2 Only variance which have been delegated are requested.

2.7 By adding to Section 14 Delegated Authority the following in appropriate numerical order:

14.11 The power to issue or amend Multi-Family and Intensive Residential Development Permits where:

14.11.1 The application is consistent with the Official Community Plan and relevant Development Permit Guidelines;

14.11.2 The proposed development is a maximum of three storeys in height and has a maximum floor area of 1400 square metres; and

14.11.3 Only variances which have been delegated are requested.

2.8 By adding to Section 14 Delegated Authority the following in appropriate numerical order:

14.12 The power to issue Development Variance Permits where:

14.12.1 The proposed variance is a minor variance. For determining whether a proposed variance is a minor variance the following criteria will be used:

14.12.1.1 The proposed variance is to the Sign Bylaw;

14.12.1.2 The proposed variance to one or more of the following regulations in the Zoning Bylaw:

- a) Parcel coverage;
- b) Height of buildings and structures (such as such as dwellings, fences and retaining walls);
- c) Floor area of buildings and structures (excluding density regulations);
- d) Setbacks (excluding cannabis production);
- e) Off street parking and loading space requirements except for the number of spaces;
- f) Notwithstanding e) above, off street parking and loading space requirements for the number of spaces for existing buildings where no additions are proposed (e.g., change of use);
- g) Screening and Landscaping to mask or separate uses or to preserve, protect, restore and enhance natural environment.

14.12.2 If the proposed variance has been determined to be a minor variance, the Director of Development must consider the

following guidelines in deciding whether to issue the Development Variance Permit:

- 14.12.2.1 If the proposed variance would result in inappropriate development of the site;
- 14.12.2.2 If the proposed variance would adversely affect the natural environment;
- 14.12.2.3 If the proposed variance would substantially affect the use and enjoyment of adjacent land or right of way; and
- 14.12.2.4 If the proposed variance defeats the intent of a bylaw.

14.12.3 The Director of Development will refer the Development Variance Permit to Council in the following circumstances:

- 14.12.3.1 The proposed variance does not meet the criteria of minor;
- 14.12.3.2 The proposed variance is part of a Development Permit application that is not delegated to Staff; or
- 14.12.3.3 The proposed variance does meet the criteria of minor, but in the opinion of the Director of Development, it would be in the public interest to instead have the application considered by Council.

2.9 By adding to Section 14 Delegated Authority the following in appropriate numerical order:

14.13 The power to approve or refuse a strata plan of a previously occupied building where:

14.13.1 The Strata Conversion application is for a duplex.

2.10 By replacing Section 1 Installation in Schedule 1 Notice of Application Sign Requirements with the following:

1. Installation

Except for Development Permits, Minor Development Permits, Development Variance Permits which have been delegated to the Director of Development, Floodplain Exemptions and applications with respect of land under the Agricultural Land Reserve, an applicant under this bylaw must, at his/her cost, install a City of West Kelowna Notice of Application Sign in accordance with this bylaw. Applications with respect of land under the Agricultural Land Reserve must consult the Agricultural Land Commission's Application Information Package for notification requirements

2.11 By replacing Section 2.10. in Schedule 6 Development Variance Permit with the following:

- 2.10. Staff will mail or otherwise deliver notices to adjacent property owners as per Section 8 of this bylaw and as per requirements of the *Local Government Act*. If the Director of Development has delegated authority to review the Development Variance Permit no notice is required as per the *Local Government Act*.
- 2.12 By replacing Section 2.11. in Schedule 6 Development Variance Permit with the following:
- 2.11. Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community and any recommendations from Council Committees. If the Director of Development has delegated authority to review the Development Variance Permit, the application and technical report will alternatively be referred to the Director of Development for consideration.
- 2.13 By replacing the phrase "General Manager of Development" throughout Bylaw No.0260 with "Director of Development".

READ A FIRST TIME
READ A SECOND TIME
PUBLIC HEARING HELD
READ A THIRD TIME
ADOPTED

MAYOR

CORPORATE OFFICER