



COUNCIL REPORT

To: Paul Gipps, CAO

Date: August 23, 2022

From: Carla Eaton, Senior Planner

File No: P 20-07

Subject: **P 20-07, Zoning Bylaw No. 0265 (Consequential Bylaw Amendments First, Second and Third Readings)**

RECOMMENDATION

THAT Council give first, second and third readings to the following bylaws as consequential amendments related to the adoption of City of West Kelowna Zoning Bylaw No. 0265, 2022:

- “City of West Kelowna Building Regulation Amendment Bylaw No. 0086.06, 2022”;
 - “City of West Kelowna Business Licensing and Regulations Amendment Bylaw No. 0087.15, 2022”;
 - “Bylaw Notice Enforcement Amendment Bylaw No. 0093.50, 2022”;
 - “City of West Kelowna Ticket Information Utilization Amendment Bylaw No. 0095.47, 2022”; and
 - “City of West Kelowna Works and Services Amendment Bylaw No. 0249.02, 2022”;
- and

THAT Council direct staff to bring the bylaws for consideration of adoption.

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity: We will work with our partners on the Greater Westside and throughout the region to advocate for and support efforts aimed at helping West Kelowna businesses. With a focus on the future, we will advance opportunities to expand our economy, increase employment, and develop the community in ways that contribute towards prosperity for all.

Foster Safety and Well-Being: We will pursue through direct action, advocacy, and partnerships with Westbank First Nation and local service providers, investments in community health, needs-based housing, emergency preparedness, policing, and other services that foster safety and well-being in West Kelowna.

BACKGROUND

As part of Council strategic priorities, it was identified in 2017 that the Zoning Bylaw required a comprehensive review to address the entire Bylaw in order to provide more clarity, help with the ease of use, and create opportunities for consistency and the new Zoning Bylaw No. 0265 was adopted on July 26, 2022. As a result of the various changes to the zoning bylaw, a number of other City bylaws require amendment to address regulatory references to the zoning bylaw, or other content amendment for consistency with the new zoning bylaw. Updated citations for the bylaws were included in the amendments as a matter of efficiency.

LEGISLATIVE REQUIREMENTS

As per *Community Charter*, Section 137, Council has the power to adopt a bylaw under the Act, including the power to amend or repeal such a bylaw. A bylaw may be given up to 3 readings at one meeting of council and there must be at least one day between the third reading and the adoption of a bylaw.

In accordance with Section 59(2) of the *Community Charter*, prior to the adoption of Business Licensing and Regulations Amendment Bylaw No. 0087.15, persons who consider they are affected by the bylaw will be provided an opportunity to make representation to Council and notice will be given.

DISCUSSION

Building Regulation Amendment Bylaw No. 0086.06, 2022

The proposed amendments delete sections 8.7, 8.8, and 8.9 of the Building Regulation Bylaw related to the use of temporary permits allowing for the temporary use of a mobile home, temporary building or a recreational vehicle as temporary building, during the construction of permanent residential structure on a parcel. The sections are obsolete as the new Zoning Bylaw No. 0265 established regulations regarding the temporary use of a dwelling during construction, and for the temporary use of a recreational vehicle during construction in Section 3.3 and 3.4. This is required as it creates a regulatory consistency regarding the new rules around permitted time periods, security deposits where applicable, and the general permitting process.

Business Licensing and Regulations Amendment Bylaw No. 0087.15, 2022

The proposed amendment to the Business Licensing and Regulations Bylaw updates the zoning bylaw reference and removes specific reference to the bylaw number in order to avoid future consequential amendments related to the Zoning Bylaw number as amended from time to time.

Bylaw Notice Enforcement Amendment Bylaw No. 0093.50, 2022

The proposed amendment to the Bylaw Notice Enforcement Bylaw updates Schedule 2 to the bylaw which specifically references the amount of fines associated with various potential offences, where the amendment updates the Zoning Bylaw section references. This is required as a result of the re-ordering of certain sections of the new zoning bylaw.

Ticket Information Utilization Amendment Bylaw No. 0095.47, 2022

The proposed amendment to the Ticket Information Utilization Bylaw updates Schedule 2 to the bylaw which specifically references the amount of fines associated with various potential offences, where the amendment updates the Zoning Bylaw sections references. This is required as a result of the re-ordering of certain section of the new zoning bylaw. Additionally, the amendment updates the Zoning Bylaw reference within the Table of Contents.

Works and Services Amendment Bylaw No. 0249.02, 2022

The proposed amendment to the Works and Services Bylaw updates the zoning bylaw reference and removes specific reference to the bylaw number in order to avoid future consequential amendments related to the Zoning Bylaw number as amended from time to time.

FINANCIAL IMPLICATIONS

There are no known financial implications with the proposed amendments, except to ensure that ticketable offences are current with the new zoning regulations.

CONCLUSION

The proposed bylaw amendments are intended to ensure consistency between the City's regulatory bylaws with the new Zoning Bylaw No. 0265, and are considered administrative in nature. As such, it is recommended that Council consider first, second and third readings of the four proposed amendment bylaws.

Alternate Recommendation:

THAT Council postpone consideration of first, second and third readings to the following bylaws as consequential amendments related to the adoption of City of West Kelowna Zoning Bylaw No. 0265, 2022:

- "City of West Kelowna Building Regulation Amendment Bylaw No. 0086.06, 2022";
- "City of West Kelowna Business Licensing and Regulations Amendment Bylaw No. 0087.15, 2022";
- "Bylaw Notice Enforcement Amendment Bylaw No. 0093.50, 2022";
- "City of West Kelowna Ticket Information Utilization Amendment Bylaw No. 0095.47, 2022"; and

- “City of West Kelowna Works and Services Amendment Bylaw No. 0249.02, 2022”.

Should Council postpone consideration of First, Second and Third Reading, it is requested that Council provide specific direction as to which changes should be made to the Amendment Bylaws prior to reconsideration.

REVIEWED BY

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Building Regulation Amendment Bylaw No. 0086.06, 2022
2. Business Licensing and Regulations Amendment Bylaw No. 0087.15, 2022
3. Bylaw Notice Enforcement Amendment Bylaw No. 0093.50, 2022
4. Ticket Information Utilization Amendment Bylaw No. 0095.47, 2022
5. Works and Services Amendment Bylaw No. 0249.02, 2022