
CITY OF WEST KELOWNA

BYLAW NO. 0260.02

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. 0260.02, 2023”.

2. Amendments

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

2.1 By deleting Section 8.1.2 that reads:

“8.1.2 A scheduled Council meeting for a Development Variance Permit; and”

And replacing it with:

“8.1.2 A scheduled Council meeting for a Development Variance Permit, or if the Director of Development has delegated authority to issue the Development Variance Permit;”

2.2 By deleting Section 8.1.3 that reads:

“8.1.3 A scheduled Council meeting for a Temporary Use Permit.”

And replacing it with:

“8.1.3 A scheduled Council meeting for a Temporary Use Permit; and”

2.3 By adding Section 8.1.4 that reads:

“8.1.4 First reading of a Zoning Bylaw if a public hearing is not held.”

2.4 By deleting 14.12.1.2 b) that reads:

“b) Height of buildings and structures (such as such as dwellings, fences and retaining walls);”

And replacing it with:

“b) Height of buildings and structures (such as dwellings, fences and retaining walls);”

2.5 By deleting the phrase “Development Variance Permits which have been delegated to the Director of Development,” in Section 1. in Schedule 1 – Notice of Application Sign Requirements.

2.6 By deleting Section 9.i. in Schedule 1 – Notice of Application Sign Requirements that reads:

“i. The conclusion of the public hearing or adoption of the amending bylaw if the public hearing has been waived; or”

And replacing it with:

“i. The conclusion of the public hearing or adoption of the amending bylaw if the public hearing is not held; or”

2.7 By deleting Section 9.ii. in Schedule 1 – Notice of Application Sign Requirements that reads:

“ii. The final consideration of an application by Council; or”

And replacing it with:

“ii. The final consideration of an application by Council or the Director of Development; or”

2.8 By deleting Section 10. in Schedule 1 – Notice of Application Sign Requirements that reads:

“10. Failure to Post and Maintain
Failure to Post and maintain the required Notice of Application Sign(s) in accordance with this bylaw shall result in the postponement of any Council/committee meeting and any costs associated with the postponement will be borne by the applicant. Non-compliance with this section due to the removal, destruction, or alteration of the sign by vandalism or natural occurrence shall not affect the validity of the application or postpone a Council/Committee meeting as long as reasonable efforts have been taken by the applicant to maintain the sign.”

And replacing it with:

“10. Failure to Post and Maintain
Failure to Post and maintain the required Notice of Application Sign(s) in accordance with this bylaw shall result in the postponement of any Council/committee meeting or consideration by the Director of Development, and any costs associated with the postponement will be borne by the applicant. Non-compliance with this section due to the removal, destruction, or alteration of the sign by vandalism or natural occurrence shall not affect the validity of the application or postpone a Council/Committee meeting or consideration by the Director of Development as long as reasonable efforts have been taken by the applicant to maintain the sign.”

- 2.9 By deleting the phrase “in a newspaper” in Section 3.14. in Schedule 2: An Application for an Amendment to an Official Community Plan Bylaw, Zoning Bylaw (including the establishment of a Phased Development Agreement) or Land Use Contract, Section 3 Processing Procedure.
- 2.10 By deleting Section 3.14.1. in Schedule 2: An Application for an Amendment to an Official Community Plan Bylaw, Zoning Bylaw (including the establishment of a Phased Development Agreement) or Land Use Contract, Section 3 Processing Procedure that reads:
- “3.14.1. In accordance with Section 464(2) of the *Local Government Act*, Staff may include a request in the technical report for first and/or second reading of a zoning bylaw amendment for Council to consider waiving the public hearing if the proposed bylaw is consistent with the Official Community Plan.”
- And replacing it with:
- “3.14.1. A public hearing will not be held for a Zoning Bylaw Amendment application which is consistent with the Official Community Plan pursuant to the *Local Government Act*.
- 3.14.2. Notwithstanding the above, Council may at their discretion choose to hold a public hearing for a Zoning Bylaw Amendment application which is consistent with the Official Community Plan, unless eight or more written submissions have been received, in which case a public hearing is required. A written submission is a submission received in response to notice of first reading, and in accordance with the submission requirements set out in the notice. Multiple submissions from one address will be counted as one submission.”
- 2.11 By deleting the phrase “If the Director of Development has delegated authority to review the Development Variance Permit no notice is required as per the *Local Government Act*.” in Section 2.10. in Schedule 6: Development Variance Permit.
- 2.12 By deleting the phrase “in the newspaper” from Section 2.12. in Schedule 7: Temporary Use Permit.
- 2.13 By deleting the phrase “in a newspaper” from Section 2.11. in Schedule 11: – An Application for a Zoning Amendment for a New Non-Medical Cannabis Retail Store under the Liquor and Cannabis Regulation Branch (LCRB).

READ A FIRST, SECOND AND THIRD TIME THIS 28TH DAY OF FEBRUARY, 2023
 RESCIND THIRD READING AND READ A THIRD TIME AS AMENDED THIS 9TH DAY OF MAY, 2023
 ADOPTED

MAYOR

CORPORATE OFFICER