



DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: December 10, 2024

From: Ron Bowles, Chief Administrative Officer

File No: P 22-08

Subject: **Zoning Bylaw No. 320 (Consequential Amendments 1st, 2nd and 3rd Reading)**

Report Prepared By: Carla Eaton, Senior Planner

RECOMMENDATION

THAT Council give first, second, and third reading to the “City of West Kelowna Fees and Charges Amendment Bylaw No. 0028.82, 2024”;

AND THAT Council give first, second, and third reading to the “City of West Kelowna Bylaw Notice Enforcement Amendment Bylaw No. 0093.56, 2024”;

AND THAT Council give first, second, and third reading to the “City of West Kelowna Ticket Information Utilization Amendment Bylaw No. 0095.54, 2024”;

AND THAT Council give first, second, and third reading to the “Development Applications Procedures Amendment Bylaw No. 0260.04, 2024”;

AND THAT Council give first, second, and third reading to the “Affordable and Special Needs Housing Reserve Fund Bylaw No. 0325, 2024”;

AND FURTHER THAT Council direct staff to bring forward policy for Council consideration regarding the management of the new housing reserve fund.

STRATEGIC AREA(S) OF FOCUS

Invest in Infrastructure – We will invest in building, improving and maintaining infrastructure to meet the needs of, and to provide a high quality of life for, current and future generations.

Strengthen Our Community – We will provide opportunities for the residents of West Kelowna to build connections, celebrate successes, embrace the community's strengths and diversity, address shared needs, and contribute to shaping the community's future.

Foster Safety and Well-Being – We will pursue through direct action, advocacy, and collaboration with local and regional 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

Four bylaw amendments and one new bylaw are being proposed for consideration of Council as consequential amendments related to the new Zoning Bylaw No. 320. Following the City's major update of the Official Community Plan (OCP) in 2023, the Zoning Bylaw required a comprehensive review to ensure consistency with the OCP's vision for concentrated urban and neighbourhood centres with additional density and height. Zoning Bylaw No. 320 is scheduled for consideration of third reading on the December 10, 2024, agenda to be considered prior to these related consequential amendments.

The proposed bylaw amendments and new bylaw are intended to ensure consistency between the City's regulatory bylaws with the new Zoning Bylaw No. 0320, related vision in the City's new Official Community Plan, and provincial regulatory requirements. Minor corrections, errors and omissions have been included to address mathematical errors and legislative references.

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.

As per *Community Charter*, Section 188, Council may by bylaw establish a reserve fund for a specified purpose and direct that money be placed to the credit of the reserve fund.

DISCUSSION

Fees and Charges Amendment Bylaw No. 0028.82, 2024

The proposed amendment to the Fees and Charges Bylaw amendment deletes incorrect fee subtotals from Schedule 3, "Type of Fee" in column 1, that became obsolete when yearly fees were projected from 2024 to 2030. Additionally, the amendment updates the land use references¹ in Schedule 5, related to zoning and development permit application fees for consistency with the Zoning Bylaw and Official Community Plan.

¹ Urban and neighbourhood centres zones were added to column 1 for Zoning Bylaw application fees, combined with the existing fees for Commercial, Industrial, and Multiple Residential uses. Neighbourhood Centre was added to column 1 for Development Permit application fees, combined with the existing fees for Multiple Residential and

Bylaw Notice Enforcement Amendment Bylaw No. 0093.56, 2024

The proposed amendment to the Bylaw Notice Enforcement Bylaw updates Schedule 2 and 11 to the bylaw which specifically references the amount of fines associated with various potential offences, where the amendment updates the Zoning Bylaw and Development Applications Procedures Bylaw section references. This is required as a result of the re-ordering of certain sections of the new zoning bylaw, and to reflect section numbering in the proposed amendment to the Development Applications Procedures Bylaw. The amendment also updates Schedule 5 to correct the maximum fines, where the previous amendment to address new Short Term Rental regulations incorrectly noted the maximum fee as \$1,000 instead of \$500.

Ticket Information Utilization Amendment Bylaw No. 0095.54, 2024

The proposed amendment to the Ticket Information Utilization Bylaw updates Schedule 2 and 11 to the bylaw which specifically references the amount of fines associated with various potential offences, where the amendment updates the Zoning Bylaw and Development Applications Procedures Bylaw section references. This is required as a result of the re-ordering of certain sections of the new zoning bylaw, and to reflect section numbering in the proposed amendment to the Development Applications Procedures Bylaw. Additionally, the amendment updates the Zoning Bylaw reference within the Table of Contents.

Development Applications Procedures Amendment Bylaw No. 0260.04, 2024

The proposed amendment to the Development Applications Procedures Bylaw updates the development permit enforcement language in Section 5.5 for consistency with the OCP adopted in 2023. The amendment also updates Section 6.1 “Type of Information Requested” to include new technical reports and studies that may be required to address application requirements for new tall buildings permitted in the Zoning Bylaw and related Development Permit Guidelines, such as sun/shadow and wind studies. Additionally, the amendment updates the Section 12 title to remove the incorrect reference that limits the section to “permits”, as the section addresses all types of applications.

Affordable and Special Needs Housing Reserve Fund Bylaw No. 0325, 2024

The proposed new bylaw establishes a new reserve fund for affordable and special needs housing. As per the *Community Charter* and *Local Government Act*, the new reserve fund is required to be established by bylaw and is required for consistency with regulation proposed in the Zoning Bylaw². The bylaw establishes the fund purpose, source of the fund, and fund balance management.

Intensive Residential uses. Urban Centre was added to column 1 for Development Permit application fees as a new fee category with a slightly larger application fee than other lesser intense land uses.

² Additional detail regarding the establishment of reserve funds, how the funds are managed, and specific detail related to the Density Bonus Program and its related proposed Affordable and Special Needs

Affordable and Special Needs Housing Reserve Fund Policy

This fund is proposed to establish the Affordable and Special Needs Housing Reserve Fund³ for the purpose of providing, constructing, altering or expanding affordable and special needs housing. Future policy development for this fund should expand on the general purpose to consider Council direction on specific fund objectives, establish potential housing priorities within this category of housing types, consider potential distribution of the funds between priorities, and address monitoring and any Provincial reporting requirements. As contributions to this fund will only be possible after adoption of the Zoning Bylaw and the Affordable and Special Needs Housing Reserve Fund Bylaw, it is not anticipated that any expenditures will be required in advance of the proposed policy development later in 2025.

As such, it is recommended that additional policy detail be developed for the new fund for Council's future consideration and the recommended motion includes specific direction to staff to bring forward policy for Council's direction.

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 and reflect Provincial maximums. A separate report will be presented to Council at some future date to address the management of the new reserve fund and to establish specific fund policy under the direction of Council.

CONCLUSION

The proposed bylaw amendments and new bylaw are intended to ensure consistency between the City's regulatory bylaws with the new Zoning Bylaw No. 0320, related vision in the City's new Official Community Plan, and provincial regulatory requirements. Minor corrections, errors and omissions have been included to address mathematical errors and legislative references. The proposed amendments and new bylaw are considered administrative in nature. As such, it is recommended that Council consider first, second and third readings of the one new bylaw and four proposed amendment bylaws.

Alternate Motion

THAT Council postpone consideration of first, second, and third reading to the "City of West Kelowna Fees and Charges Amendment Bylaw No. 0028.82, 2024";

Reserve Fund have been provided in the third reading report for the Zoning Bylaw also scheduled on the December 10, 2024 agenda to address questions that arose during the Public Hearing.

³ Growth of the Affordable and Special Needs Housing Reserve will be dependent on development that triggers the Density Bonus Program where the developer chooses to contribute to the fund as cash-in-lieu rather than constructing the required affordable or special needs housing units.

AND THAT Council postpone consideration of first, second, and third reading to the “City of West Kelowna Bylaw Notice Enforcement Amendment Bylaw No. 0093.56, 2024”;

AND THAT Council postpone consideration of first, second, and third reading to the “City of West Kelowna Ticket Information Utilization Amendment Bylaw No. 0095.54, 2024”;

AND THAT Council postpone consideration of first, second, and third reading to the “Development Applications Procedures Amendment Bylaw No. 0260.04, 2024”;

AND THAT Council postpone consideration of first, second, and third reading to the “Affordable and Special Needs Housing Reserve Fund Bylaw No. 0325, 2024”;

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 bylaws prior to reconsideration.

REVIEWED BY

Brittany Nichols, Manager of Long Range Planning

Bob Dargatz, Development Engineering Manager

Lisa Siavashi, Financial Services Manager / Deputy CFO

Warren Everton, Director of Financial Services/CFO

Trevor Seibel, Deputy CAO/Deputy Corporate Officer

APPROVED FOR THE AGENDA BY

Ron Bowles, Chief Administrative Officer

PowerPoint: Yes No

Attachments:

1. Fees and Charges Amendment Bylaw No. 0028.82, 2024
2. Bylaw Notice Enforcement Amendment Bylaw No. 0093.56, 2024
3. Ticket Information Utilization Amendment Bylaw No. 0095.54, 2024
4. Development Applications Procedures Amendment Bylaw No. 0260.04, 2024
5. Affordable and Special Needs Housing Reserve Fund Bylaw No. 0325, 2024