

---

CITY OF KELOWNA

MEMORANDUM

---

**Date:** July 17, 2009  
**File No.:** OCP08-0016; TA08-0004; Z08-0044  
**To:** City Manager  
**From:** City Clerk  
**Subject:** CD21 Process

Report Prepared by: Deputy City Clerk

---

**RECOMMENDATION:**

THAT Council receive the report of the City Clerk, dated July 17, 2009, for information.

**BACKGROUND:**

At the regular P.M. meeting of Council on Monday, July 13, 2009, Council passed a resolution directing staff to bring forward a report with respect to procedural options regarding the CD21 Zone Bylaws.

The CD21 zone bylaws for OCP08-0016, TA08-0004, and Z08-0044 are at third reading, the public hearing for these bylaws was held in October 2008. The zoning bylaw requires Ministry of Transportation (MOT) approval prior to being forwarded to Council for 4<sup>th</sup> reading and final adoption consideration.

When OCP or zoning bylaws are at 3<sup>rd</sup> reading, there are few procedural options provided for under the *Local Government Act*. The following options for Council consideration include:

1. Upon receipt of MOT approval, the bylaws are placed on an agenda for fourth reading and final adoption consideration by Council. As the public hearing for these bylaws was held prior to the November 2008 General Election, those current members of Council not elected prior to this term would receive a written report on the public hearing a few weeks prior to adoption consideration. During this time, no new oral or written material of any kind is to be received.

Any bylaw once adopted may be amended at a later date; however the provisions of the adopted bylaw remain in place until the amending bylaw is adopted. Any substantive amending bylaws would be subject to the public hearing process which will take several months

2. Council may rescind second and third readings of the bylaws and may then debate, receive new staff reports, including planning reports, and may look at any material or correspondence that has surfaced since the public hearing last October. Council can amend, or not, the Bylaw sitting at first reading however it likes. To proceed further would require a new public hearing.



At this time, as the bylaw is currently awaiting MOT approval, it is uncertain when the bylaw will be put on the agenda for final adoption consideration. The Ministry of Transportation does have the authority to place conditions on their approval of the Bylaw.

**INTERNAL CIRCULATION TO:**

Real Estate and Building Services Department

**LEGAL/STATUTORY AUTHORITY:**

*Local Government Act*

**LEGAL/STATUTORY PROCEDURAL REQUIREMENTS:**

*Part 26, Local Government Act*

Considerations not applicable to this report:

**EXISTING POLICY:**

**FINANCIAL/BUDGETARY CONSIDERATIONS:**

**PERSONNEL IMPLICATIONS:**


**TECHNICAL REQUIREMENTS**

**EXTERNAL AGENCY/PUBLIC COMMENTS:**

**COMMUNICATIONS CONSIDERATIONS:**

**ALTERNATE RECOMMENDATION:**

Submitted by:

  
S Fleming, City Clerk



Approved for Inclusion:

*R. Mayne, Director Corporate Services*