

# CITY OF KELOWNA

## BYLAW NO. 10203

### Amendment No. 2 to City of Kelowna Advisory Planning Commission Bylaw No. 8546

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A bylaw to amend the City of Kelowna Advisory Planning Commission Bylaw No. 8546.

NOW THEREFORE the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT the City of Kelowna Advisory Planning Commission Bylaw No. 8546 be amended by deleting all references to “Planning and Development Services” and replacing it with “Land Use Management”;
2. AND THAT the City of Kelowna Advisory Planning Commission Bylaw No. 8546 be further amended by deleting all references to “Director of Planning and Development Services” and replacing it with “Director of Land Use Management”;
3. AND THAT Section **3.0 ROLE OF COMMISSION** be amended by:
  - (a) deleting the words “Divisions 2, 3, 7, 9, and 11” and replacing it with the words “Divisions 1, 2, 4, 5, 7, 9 and 11” in sub-section 3.1;
  - (b) deleting sub-section 3.4(a)(i) and replacing it with the following:

“(a) Development Permit applications  
(i) Form and Character (Design) Development Permit applications for multi-family residential, commercial, industrial, or institutional proposals (when located within an urban centre), except for new development on existing developed sites if they are consistent with the form and character of existing development and are not deemed to have an impact on nearby residential uses, as determined by the **Director of Land Use Management**,”
  - (c) adding to the end of sub-section 3.4 (f) the following:

“unless another form of City-initiated public consultation has been conducted”  
and;
  - (d) deleting sub-section 3.4(a)(ii) in its entirety.
4. AND THAT Section **4.0 MEMBERSHIP OF COMMISSION** be amended by:
  - (a) Deleting sub-sections 4.1 and 4.2 in their entirety and replacing it with new sub-sections 4.1 and 4.2 as follows:

“4.1 The **Commission** shall be composed of seven (7) regular **members**, and two (2) alternate **members**, appointed by **Council** resolution.

4.2 All members shall be residents of the City of Kelowna and represent a variety of community interests.”;

- (b) deleting the words “of two thirds” in their entirety in sub-section 4.4;
  - (c) deleting the word “his” in sub-section 4.8 and replace it with the word “the”.
5. AND THAT Section **6.0 MEETINGS OF COMMISSION** be amended by deleting it in its entirety and replacing it with the a new Section **6.0 MEETINGS OF COMMISSION** as follows:
- “6.1 Meetings of the **Commission** shall take place on a bi-weekly basis, commencing at 6:00 p.m. to be consistent with Public Hearings as required to accomplish the business of the **Commission**.
  - 6.2 A majority of the members of the **Commission** shall constitute a quorum. If a quorum is not present within fifteen minutes after the time fixed for a meeting, the Chairperson shall record the names of the members present and the **Commission** shall stand adjourned until the next regular meeting.
  - 6.3 Unless otherwise authorized pursuant to Section 93 of the *Community Charter*, or by Council Bylaw No.9200, meetings of the **Commission** must be open to the public. A **Commission** meeting or part of a **Commission** meeting may be closed to the public if the subject matter being considered relates to one or more of the matters referred to in section 90 of the *Community Charter*.
  - 6.4 A special meeting of the **Commission** may be called by the Chairperson or three members of the **Commission** who submit their request in writing to the Secretary.
  - 6.5 When the **Commission** is considering an amendment to a plan or bylaw, or the issuance of a permit, the applicant for the amendment or permit is entitled to attend the meeting and to be heard.
  - 6.6 After the applicant has addressed the **Commission**, the **Commission** may hear from any person who deems they are affected by the proposal or who have an interest in the proposal. The **Commission** will not receive any representations from the applicant or the public after they have rendered their decision on a particular matter.
  - 6.7 In accordance with section 100(1) of the *Community Charter*, sections 4.5.4 through 4.5.8, inclusive of Council Bylaw No.9200, as amended from time to time, apply to meetings of the **Commission**.
  - 6.8 All persons wishing to speak at a meeting of the **Commission** must have the permission of the Chairperson, and all persons in attendance shall maintain order and quiet and not applaud or otherwise interrupt any speech or action of the assembly. Public addressing the **Commission** will be given a limitation of five minutes to make their presentation.
  - 6.9 Voting:
    - (a) All members of the **Commission**, including the Chairperson, must vote on every question unless they have declared a conflict and left the meeting
    - (b) Any member who does not indicate how they vote, or has left the meeting without declaring a conflict, is counted as having voted for the question
    - (c) If the votes are equal for and against, the question is defeated.”

6. AND THAT Section **8.0 STAFF SUPPORT FOR THE COMMISSION** be amended by deleting sub-sections 8.2 and 8.3 in its entirety and replacing it with the following:
- “8.2 Land Use Management staff shall initiate recommendations to Council for committee appointments and maintain an updated list of appointees, the date they were appointed whenever changes occur, and provide a copy of the updated list to the Office of the City Clerk.
  - 8.3 Land Use Management shall prepare an agenda of all business to be brought before the **Commission** for each meeting and shall provide each member of the **Commission** with a copy the agenda package in advance of the meeting date.
  - 8.4 **Council** will provide funds for the routine operation of the **Commission** and the budget allocation will be within the Land Use Management Department budget.”
7. AND THAT Section **9.0 NOTICE OF MEETING** be amended by:
- (a) deleting sub-section 9.1 in it's entirety and replacing it with the following:
    - “9.1 The Office of the City Clerk shall publish a notice of a meeting of the **Commission** in a newspaper a minimum of ten calendar days prior to the meeting.” and
  - (b) deleting sub-section 9.4 in its entirety and replacing it with the following:
    - “9.4 Notice of a meeting of the **Commission** shall be forwarded to the Office of the City Clerk in accordance with Council Bylaw No.9200.”
8. AND THAT Section **10.0 MINUTES** be amended by:
- (a) deleting the word “City” in sub-section 10.1 and replacing it with the words “Office of the City Clerk”; and
  - (b) deleting the sub-section 10.3 in its entirety and replacing it with the following:
    - “Minutes and all of the documents considered by the **Commission** in an open meeting shall be available for public inspection at City Hall during normal business hours.”
9. AND THAT Section **11.0 CONFLICT OF INTEREST** be amended by deleting the sub-paragraphs (a)(9) and (9) numbering and renumbering the sub-paragraphs in sub-sections 11.2 (a)(b) and (c).

AND THAT this bylaw shall come into full force and effect on the date of adoption.

Read a first, second and third time by the Municipal Council this 26<sup>th</sup> day of October, 2009.

Adopted by the Municipal Council this

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Mayor

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City Clerk