

# Report to Council



**Date:** February 22, 2016  
**File:** 0600-10  
**To:** City Manager  
**From:** L. Bentley, Planner II, Policy & Planning Department  
**Subject:** Heritage Procedures Bylaw

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## **Recommendation:**

THAT Council receives, for information, the Report from the Planner II, Policy & Planning Department, dated February 22, 2016, recommending that Council adopt a new Heritage Procedures Bylaw;

AND THAT Bylaw No. 11185, being the Heritage Procedures Bylaw, be forwarded for reading consideration.

## **Purpose:**

To consider a new Heritage Procedures Bylaw to clarify and refine the procedures for processing applications under Part 15, Heritage Conservation of the Local Government Act.

## **Background:**

The Heritage Procedures Bylaw outlines the procedural requirements for applications for bylaws, agreements and permits under Part 15, Heritage Conservation of the *Local Government Act*. It is intended to establish clear and consistent processes for applicants, staff and Council to follow when applying for and considering heritage applications. As an overview, the Bylaw addresses the following main issues, among other items:

- Who may submit an application and what information needs to be provided;
- When and how applications are referred to the Heritage Advisory Committee;
- When notification signage is needed and what content is required; and
- When Council's approval authority is delegated to staff.

The types of heritage applications governed under this bylaw include: Heritage Revitalization Agreements, Heritage Designation Bylaws, Heritage Conservation Covenants, Heritage Alteration Permits and Heritage Register properties. The current Heritage Procedures Bylaw No. 7776 was adopted in 1997, with several amendments to date.

The current Bylaw lacks clarity on some aspects of the way in which heritage-related development applications are processed. This can lead to confusion for applicants and inconsistencies in how staff interpret and apply the Bylaw to the review process. Additionally, references to titles, departments, bylaws and sections of the *Local Government Act* are outdated. The new Heritage Procedures Bylaw clarifies and refines the procedures for processing applications and includes the following key changes:

- Up to date references to job titles, department names, bylaws and sections of the *Local Government Act*;
- Consistent application requirements across different application types;
- Clear criteria for delegation of authority to approve Heritage Alteration Permits and lapse of Heritage Alteration Permits;
- Fewer requirements and clear criteria for notification signage.

The new Bylaw gives more understandable and consistent direction for applicants, staff and the Heritage Advisory Committee. With clearly defined expectations and requirements for heritage applications, staff will be better equipped to deliver excellent customer service and support heritage management efforts.

**Legal/Statutory Authority:**

*Local Government Act*, Section 590

**Existing Policy:**

*Official Community Plan - 2030*

Objective 5.7 - Policy 2 - Heritage Designation

Encourage owners of properties listed in the Kelowna Heritage Register and identified as significant to voluntarily provide long-term heritage protection to their properties through the use of a Heritage Designation Bylaw.

Objective 5.7 - Policy 3 - Heritage Revitalization Agreements

Consider the adaptive reuse of heritage buildings appropriate within any future land use designation, provided that a Heritage Revitalization Agreement is negotiated with the City and provided that the project meets the criteria established for sensitive neighbourhood integration.

Objective 9.2 - Policy 1 - Heritage Register

Ensure that the Heritage Register is updated on an ongoing basis to reflect the value of built, natural and human landscapes.

Objective 9.2 - Policy 4 - Conservation Areas

Development in the Abbott Street and Marshall Street Heritage Conservation Area outlined on Map 9.1 will be assessed using the Abbott Street and Marshall Street Heritage Conservation Area Guidelines in Chapter 16.

Chapter 16 - Heritage Conservation Area Guidelines

**Considerations not applicable to this report:**

Internal Circulation:

Legal/Statutory Procedural Requirements:

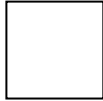
Financial/Budgetary Considerations:

Personnel Implications:  
External Agency/Public Comments:  
Communications Comments:  
Alternate Recommendation:

Submitted by:

L. Bentley, Planner II, Policy & Planning Department

Approved for inclusion:



D. Noble-Brandt, Policy & Planning Department Manager

cc:  
Community Planning Department Manager  
Parks & Building Planning Manager