

CITY OF KELOWNA

BYLAW NO. 12310

Development Application and Heritage Procedures Bylaw

A bylaw to establish procedures for the processing of land development applications, including amendments to the Official Community Plan, to the Zoning Bylaw, or to a Land Use Contract; Permits under Part 14 of the Local Government Act or Temporary Farm Worker Housing Permits; Phased Development Agreements; heritage applications under Part 15 of the Local Government Act; and Agricultural Land Commission applications.

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

WHEREAS under the *Community Charter* and Parts 14 and 15 of the *Local Government Act*, the City of Kelowna may, by bylaw, delegate Council's powers and establish procedures for applications to: amend the Official Community Plan or the Zoning Bylaw, discharge a Land Use Contract, issue a land use permit, establish or amend a Phased Development Agreement, establish or amend a Heritage Designation Bylaw or Heritage Revitalization Agreement, issue a Heritage Alteration Permit, amend the Heritage Register, issue a Temporary Farm Worker Housing Permit, or the Agricultural Land Commission;

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

1.0 INTRODUCTION

1.1 Title

- 1.1.1 This Bylaw may be cited as “Development Application and Heritage Procedures Bylaw No. 12310”

1.2 Interpretation

- 1.2.1 Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a referenced to an enactment of the **Council** of the **City** of Kelowna, as amended, revised, consolidated or replaced from time to time.
- 1.2.2 If any section, subsection, sentence, clause or phrase of this bylaw is held to be invalid by a court of competent jurisdiction, that section, subsection, sentence, clause or phrase, as the case may be, will be severed and the validity of the remaining portions of the bylaw will not be affected.
- 1.2.3 The schedules attached to this bylaw form part of this bylaw.
- 1.2.4 The headings given to the sections and paragraphs in this bylaw are for convenience of reference only. They do not form part of this bylaw and will not be used in the interpretation of this bylaw.

1.3 Scope

- 1.3.1 This bylaw applies to an application:
- a) To amend the **Official Community Plan**;
 - b) To amend the **Zoning Bylaw**;
 - c) For issuance of a:
 - i) **Development Permit**;
 - ii) **Development Variance Permit**; or
 - iii) **Temporary Use Permit**;
 - d) To discharge a **Land Use Contract**;
 - e) To the **Agricultural Land Commission (ALC)** for one or more of the following:
 - i) To include land into the **Agricultural Land Reserve (ALR)**;
 - ii) To subdivide land within the **ALR**;
 - iii) To conduct a non-adhering residential use in the **ALR**; or
 - iv) To conduct a non-farm use in the **ALR**.
 - f) For a **Phased Development Agreement**;
 - g) For issuance of a **Temporary Farm Worker Housing Permit**;
 - h) To enter into or amend a **Heritage Revitalization Agreement**;
 - i) For protection under a **Heritage Designation Bylaw**;
 - j) A **Heritage Conservation Covenant** under Section 219 of the *Land Title Act*; or

- k) For issuance of a **Heritage Alteration Permit**; or
- l) For property to be added to or removed from the **Heritage Register**.

1.4 Definitions

1.4.1 In this Bylaw, unless the context otherwise requires:

'Agricultural Advisory Committee' means a committee established by **Council** to advise **Council** on agricultural matters in accordance with the Committee's Terms of Reference;

'Agricultural Land Commission' or **'ALC'** means the **Agricultural Land Commission** established by the *Agricultural Land Commission Act*;

'Agricultural Land Reserve' or **'ALR'** means the **Agricultural Land Reserve** designated by the *Agricultural Land Commission Act*;

'Building Permit' means a permit to perform work regulated by the **City** of Kelowna Building Bylaw No. 7245 as amended or replaced from time to time;

'Bylaw Enforcement Officer' means the employees appointed by **Council** as such;

'Certified Irrigation Designer' means an Irrigation Designer certified by the Irrigation Industry Association of British Columbia (IIABC) in good standing with that association and operating in accordance with its Code of Ethics;

'City' means the City of Kelowna;

'City Clerk' means the employee appointed by **Council** as such;

'City Manager' means the employee appointed by **Council** as such;

'Conceptual Landscape Plan' means a to-scale drawing identifying all landscape items being proposed within a development. The plan must clearly indicate where trees, shrubs, decorative paving, amenities, etc. are proposed. All Zoning Bylaw requirements related to landscaping are to be identified on the plan including buffers and fencing. Conceptual Landscape Plans are to reflect proposed grading including retaining walls and sloped areas;

'Coordinating Hillside Development Professional' means a registered professional planner, **landscape architect**, or engineer engaged to administer the application process and to ensure that the requirements established by the **City** in accordance with the Hillside Guidelines – including **lot** grading, drainage, and retaining are addressed;

'Council' means the Municipal Council of the **City** of Kelowna;

'Department Manager, Development Planning' means the person appointed as such and includes their selected designate(s);

'Development Application Fees Bylaw' means the **Development Application Fees Bylaw** No. 10560, as amended or replaced from time to time;

'Development Permit' means a permit authorized under Section 490 of the *Local Government Act*;

'Development Planning' means the **City** of Kelowna's Development Planning Department;

'Development Variance Permit' means a permit authorized under Section 498 of the *Local Government Act*;

'Direct Development Permit' means a **Development Permit** that may be issued by the **Department Manager, Development Planning** without **Council** consideration;

'Divisional Director, Planning & Development Services' means the person appointed as such and includes their selected designate(s);

'Early Consideration' means an application processed in accordance with Schedule '15' of this bylaw;

'**Heritage Advisory Committee**' means a committee established by **Council** to advise **Council** on heritage matters in accordance with the Committee's Terms of Reference;

'**Heritage Alteration Permit**' means a permit authorized under Section 617 of the *Local Government Act*;

'**Heritage Conservation Area**' means an area designated under Section 614 of the *Local Government Act* in the **City** of Kelowna **Official Community Plan**;

'**Heritage Conservation Covenant**' means a registered agreement between the **City** and the **owner** of heritage property pursuant to Section 219 of the *Land Title Act*;

'**Heritage Designation Bylaw**' means a bylaw adopted by the **City** pursuant to Section 611 of the *Local Government Act*;

'**Heritage Register**' means the community **Heritage Register** of the **City** as established under Section 598 of the *Local Government Act*;

'**Heritage Revitalization Agreement**' means an agreement between the **City** and the **owner** of heritage property pursuant to Section 610 of the *Local Government Act*;

'**Landscape Architect**' means a registered **Landscape Architect** in good standing with the British Columbia Society of **Landscape Architects** and acting in accordance with all applicable Acts and bylaws and policies of that Society;

'**Land Use Contract**' means a site specific, contractual arrangement between local governments and landowners. All land use contracts will be terminated as of June 30, 2024;

current **Land Use Contract** which is being discharged as per Section 546 of the *Local Government Act*;

'**Lot**' means a parcel of land, including crown land, which is legally described either by registered plan or description;

'**Major Direct Development Permit**' means a Natural Environment or Hazardous Conditions **Direct Development Permit** for development that:

- a) Does not meet the criteria for a **Minor Direct Development Permit**; and
- b) Is consistent with the environmental guidelines and policies of the **OCP**.

'**Minor Direct Development Permit**' means either a Natural Environment or Hazardous Conditions **Direct Development Permit** for development that meets the following criteria:

- a) Is consistent with the applicable guidelines and policies of the **OCP**; and
- b) 50m² or less of the development is situated within the designated **Development Permit** area.

'**Official Community Plan**' or '**OCP**' means Kelowna 2030 **Official Community Plan Bylaw** No. 10500, as amended or replaced from time to time;

'**Owner**' means, the registered owner of an estate in fee simple or his agent authorized in writing, and includes the tenant for life under a registered life estate, the registered holder of the last registered agreement for sale, and the hold or occupier of land held in the manner described in the *Local Government Act*;

'**Phased Development Agreement**' means an agreement authorized by Section 516 of the *Local Government Act*;

'**Policy & Planning Department Manager**' means the person appointed to the position and includes their designate;

'**Protected Heritage Property**' means a property subject to the agreement of a registered **Heritage Revitalization Agreement**, a **Heritage Conservation Covenant** or a **Heritage Designation Bylaw**;

'Public Hearing' means a **Public Hearing of Council** pursuant to Part 14, Division 3 of the *Local Government Act*;

'Qualified Environmental Professional' or **'QEP'** means an applied scientist or technologist acting alone or together with another **QEP**, if:

- a) The individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association (includes, but not limited to, Biologists, Foresters, Agrologists, Engineers, Geologists, Technicians and Technologists);
- b) The individual's area of expertise is recognized by the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal; and
- c) The individual is acting within their area of expertise.

'Qualified Heritage Professional' means a person who is experienced in the preparation of heritage assessments and is a member of the **BC Association of Heritage Professionals**;

'Qualified Professional' means a professional engineer, geoscientist, architect, biologist, planner or other professional licensed to practice in British Columbia with experience relevant to the applicable matter, as determined by the **Department Manager, Development Planning**;

'Site' means an area of land consisting of a **lot** or two or more abutting **lots**;

'Temporary Farm Worker Housing Permit Major' means a permit authorized by Section 488 (1)(c) of the *Local Government Act* for the protection of farming and for the accommodation of an employee(s) paid to work on a farm for no greater than ten months per calendar year.

'Temporary Farm Worker Housing Permit Minor Direct' means a permit authorized by Section 488 (1)(c) of the *Local Government Act* for the protection of farming, issued by the **Department Manager, Development Planning** that applies to development that meets the following criteria:

- a) Is for eight or fewer sleeping units in one or more temporary farm worker agricultural dwellings for the accommodation of an employee(s) paid to work on a farm for no greater than 10 months per calendar year; and
- b) Is consistent with the applicable guidelines and policies of the **OCP** and regulations of the **Zoning Bylaw**.

'Temporary Use Permit' means a permit authorized by Section 493 of the *Local Government Act*;

'Zoning Bylaw' means **City of Kelowna Zoning Bylaw No. 8000**, as amended or replaced from time to time.

2.0 GENERAL PROVISIONS

2.1 Making Applications

2.1.1 General Requirements for All Applications

In addition to application requirements found elsewhere in this bylaw, the following is required for all applications made under this bylaw:

- a) An application made pursuant to this bylaw will be made to the **Department Manager, Development Planning** in writing by the **owner(s)** of the land that is subject to the application, or by a person authorized by the **owner(s)**.

- b) If there is a change in ownership of a parcel of land that is the subject of an application pursuant to this bylaw, the **City** will require an updated State of Title and written authorization from the new **owner** prior to proceeding with the application.
- c) An application made pursuant to this bylaw will be submitted to the **City** on the prescribed application form approved by the **Department Manager, Development Planning** and will include an application fee, payable to the **City**, in accordance with the **Development Application Fees Bylaw**.

2.1.2 Application Requirements and Processing

- a) An application for amendment of an **Official Community Plan Bylaw** or **Zoning Bylaw** will be made and processed substantially as outlined in Schedule '2' of this bylaw.
- b) An application for a **Development Permit** will be made and processed substantially as outlined in Schedule '3' of this bylaw.
- c) An application for a **Development Variance Permit** will be made and processed substantially as outlined in Schedule '4' of this bylaw.
- d) An application for a **Temporary Use Permit** will be made and processed substantially as outlined in Schedule '5' of this bylaw.
- e) An application to discharge a **Land Use Contract** will be made and processed substantially as outlined in Schedule '6' of this bylaw.
- f) An application for land within the **Agricultural Land Reserve** will be made and processed substantially as outlined in Schedule '7' of this bylaw.
- g) An application for a **Phased Development Agreement** will be made and processed substantially in accordance with Schedule '8' of this bylaw.
- h) An application for a **Temporary Farm Worker Housing Permit** will be made and processed substantially in accordance with Schedule '9' of this bylaw.
- i) An application for a **Heritage Revitalization Agreement** will be made and processed substantially in accordance with Schedule '10' of this bylaw.
- j) An application for a **Heritage Designation Bylaw** will be made and processed substantially in accordance with Schedule '11' of this bylaw.
- k) An application for a **Heritage Conservation Covenant** will be made and processed substantially in accordance with Schedule '12' of this bylaw.
- l) An application for a **Heritage Alteration Permit** will be made and processed substantially in accordance with Schedule '13' of this bylaw.
- m) An application to add a building to or remove a building from the **Kelowna Heritage Register** will be made and processed substantially in accordance with Schedule '14' of this bylaw.
- n) An application for **Early Consideration** will be made and processed substantially in accordance with Schedule '15' of this bylaw.

2.2 Council Decisions

2.2.1 Bylaw Amendments

- a) Upon receipt of a report from the **City Manager** respecting an application under Schedule '2', **Council** may:
 - i. Proceed with the bylaw pursuant to the amendment application;
 - ii. Forward the amending bylaw or bylaws to a **Public Hearing** or waive the requirement for a **Public Hearing** as provided for in section 464 of the *Local Government Act*;
 - iii. Reject or refuse the application; or
 - iv. Defer or otherwise deal with the application.
- b) **Council** may consider final adoption of an amendment bylaw:
 - i. After three readings have been given;
 - ii. Where a **Development Permit** is required by the **Official Community Plan**, upon receipt of a report from the **City Manager** stating that the **Development Permit** has been prepared and is ready for **Council** consideration; and
 - iii. Where approval from the Ministry of Transportation and Infrastructure or another authority or body is required by statute or regulation, following receipt of written approval from the authority.
- c) Despite sub-Section 2.2.1(b), **Council** may consider final adoption of an amendment bylaw after three readings are given and where the bylaw is otherwise dealt with by **Council**.
- d) Notwithstanding Schedule '2' of this bylaw, **Council** may, by resolution, agree to postpone considering individual amendments to an **OCP Bylaw** or **Zoning Bylaw** until any major review that the bylaw is undergoing at the time of the request is complete.

2.2.2 Development Permits, Development Variance Permits, Temporary Use Permits, Temporary Farm Worker Housing Permits and Heritage Alteration Permits

Except for permits which may be issued by the **Department Manager**, **Development Planning** pursuant to Section 2.3 of this bylaw, **Council** may, upon receipt of a report from the **City Manager** respecting an application under Schedules '3', '4', '5', '9' and '13':

- a) Issue, amend, or refuse the permit;
- b) Impose requirements, and set conditions or standards;
- c) Impose conditions for the sequence and timing of construction;
- d) Require security; or
- e) Defer or otherwise deal with the permit application.

2.2.3 Early Consideration Applications

- a) Upon receipt of a report from the **City Manager** respecting an application under Schedule '15', **Council** may:
 - i. Proceed with the application in accordance with Schedule '1', '2', or '3' of this bylaw;

- ii. Reject or refuse the application; or
- iii. Defer or otherwise deal with the application.

2.2.4 **Agricultural Land Commission Applications**

In respect of applications subject to Sections 25(3) and 29(4) of the *Agricultural Land Commission Act*, **Council** may, upon receipt of a report from the **City Manager** respecting an application under Schedule '7':

- a) Authorize the application to proceed to the **ALC**; or
- b) Not authorize the application to proceed to the **ALC**.

2.2.5 **Phased Development Agreements**

Upon receipt of a report from the **City Manager** respecting an application under Schedule '8' of this bylaw, **Council** may:

- a) Authorize the preparation of a **Phased Development Agreement** subject to conditions;
- b) Proceed with the bylaw pursuant to the **Phased Development Agreement** application;
- c) Forward the bylaw to a **Public Hearing**; or
- d) Deny the application.

2.2.6 **Heritage Revitalization Agreements and Heritage Designation Bylaws**

- a) Upon receipt of a report from the **City Manager** respecting an application under Schedules '10' and '11', **Council** may:
 - i. Proceed with the bylaw pursuant to the application;
 - ii. Forward the bylaw or bylaws to a **Public Hearing**;
 - iii. Reject or refuse the application; or
 - iv. Defer or otherwise deal with the application.
- b) **Council** may consider final adoption of the bylaw:
 - i. After three readings have been given;
 - ii. Where a **Heritage Alteration Permit** is required by the **Official Community Plan**, upon receipt of a report from the **City Manager** stating that the **Heritage Alteration Permit** has been prepared and is ready for **Council** consideration; and
 - iii. Where approval from the Ministry of Transportation and Infrastructure or another authority or body is required by statute or regulation, following receipt of written approval from the authority.
- c) Despite sub-Section 2.2.5(b), **Council** may consider final adoption of a bylaw after three readings are given and where the bylaw is otherwise dealt with by **Council**.

2.2.7 **Heritage Conservation Covenants** and applications to include property in or delete property from the Kelowna **Heritage Register**

- a) Upon receipt of a report from the **City Manager** respecting an application under Schedules '12' and '14', **Council** may, by resolution:
 - i. Approve, amend, or refuse the application;

- ii. Impose requirements, and set conditions or standards;
- iii. Impose conditions for the sequence and timing of construction;
- iv. Require security; or
- v. Defer or otherwise deal with the permit application.

2.3 Delegation of Authority

Pursuant to Section 154(1)(b) of the *Community Charter*, **Council** delegates to the **Department Manager, Development Planning** the duties and powers of **Council** as follows:

2.3.1 Form and Content of Application Forms

The **Department Manager, Development Planning** may designate the form and content of application forms and may assign different forms for different categories of applications based on the nature of the application.

2.3.2 Development Approval Information

The powers of **Council** under Section 484 of the *Local Government Act* to require development approval information in respect of an application made under this bylaw. Development approval information required under this section will be provided by the applicant at the applicant's expense.

2.3.3 Performance Security

The powers of **Council** under Sections 502, 610(2)(c), and 318(2)(c) of the *Local Government Act* and Section 19 of the *Community Charter* to require security as a condition of the issuance of a **Development Permit, Development Variance Permit, Temporary Use Permit, Heritage Alteration Permit, Heritage Revitalization Agreement**, or a **Temporary Farm Worker Housing Permit** in accordance with Section 2.9 of this bylaw.

2.3.4 Issuance or Refusal of **Temporary Farm Worker Housing Permits**

The powers of **Council** under Section 15(1) of the *Community Charter* to issue, amend and set conditions for permits for the placement of dwellings for the accommodation of Temporary Farm Workers, in accordance with the *Agricultural Land Commission Act* and regulations.

2.3.5 **Development Permits**

- a) The powers of **Council** under Section 489 of the *Local Government Act* to issue, refuse and amend **Development Permits** in respect of **Development Permit** areas established by an **Official Community Plan**, subject to restrictions identified in Schedule '3' of this bylaw. This includes the powers of **Council** to require that the applicant provide security for the purposes of Section 502 of the *Local Government Act*, to establish the conditions of the permit, and to determine whether such requirements and conditions have been met.
- b) Amendments to **Development Permits** that are limited to minor design modifications that do not alter the overall form and character of development, and that do not reduce minimum setbacks, or increase height or density.

2.3.6 **Heritage Alteration Permits**

- a) Pursuant to Sections 590 and 617 of the *Local Government Act*, the **Department Manager, Development Planning** is hereby authorized to exercise the powers and perform the duties of **Council** in respect of the issuance of **Heritage Alteration Permits** subject to restrictions identified in Schedule '13' of this bylaw. These powers and duties shall include, but not be limited to, authorizing and approving the permit, rejecting the permit, establishing the

requirements and conditions of the permit, and determining whether such requirements and conditions have been met.

- b) Amendments to **Heritage Alteration Permits** that are limited to minor design modifications that do not alter the overall form and character of development, and that do not reduce minimum setbacks, or increase height or density.

2.4 Development Approval Information

2.4.1 Where an **OCP** bylaw specifies circumstances or designates areas of “development approval information”, the **Department Manager, Development Planning** may require in writing that the applicant provide development approval information in a report that is certified by a **Qualified Professional** that:

- a) Complies with and fully addresses terms of reference which are provided by the **Department Manager, Development Planning** in accordance with Section 2.4.2;
- b) Identifies and defines the context, interaction, scope and significance of the anticipated impacts of the activity or development on the community, as well as the data and methodological accuracy, assumptions, uncertainties, acceptability thresholds, and how anticipated impacts may cumulatively contribute to existing risks, stressors, and threats;
- c) Provides recommendations for requirements **Council** or the **Department Manager, Development Planning** may impose to mitigate or ameliorate the anticipated impacts; and
- d) Provides recommendations and details costs for modifications to the environment, or construction of works, to mitigate or ameliorate the anticipated impacts.

2.4.2 The terms of reference may require the applicant to provide information and/or a systematic detailed assessment of the proposed activity or development and:

- a) Compliance with the **Official Community Plan** and any other relevant **City** bylaw, plan or policy in preparation or adopted by **Council**;
- b) Compatibility with adjacent and community development in terms of land use, function, form, character, aesthetic and scale;
- c) Socio-economic impacts that may affect the day to day quality of life of people and communities, including, but not limited to, demographics, housing, local services, socio-cultural issues, and direct and indirect economic impacts;
- d) Land use impacts including, but not limited to, noise, vibration, glare and electrical interference;
- e) Landscaping and visual impacts including, but not limited to, the nature and magnitude of impacts on view corridors, shadows, visual envelope, prominent features, experiential characteristics, and landscape character;
- f) Transportation Demand Management strategies related to the proposal regarding, but not limited to, transportation, public transit, parking, safety, pedestrian, cyclist and vehicular traffic flow or operation, trip generation, **site** access and egress, network connectivity and accessibility;
- g) Retail impacts of a proposed commercial development, including, but not limited to, effects of additional competition, traffic impacts, effects on tenancy, and impacts to neighbourhood and sector stability;

- h) Air quality impacts including, but not limited to, pollution, dust, fumes, smoke and odours;
- i) Ground and surface water quality impacts, including, but not limited to, impacts on temperature, oxygen levels, acidity, nutrients, silts, pathogens and pollution;
- j) Agricultural impacts, including, but not limited to a soil assessment;
- k) Geotechnical conditions including, but not limited to, soil composition, profile, classification, agricultural suitability and capability, geologic processes and terrain stability;
- l) Hydrological and/or hydrogeological conditions including, but not limited to, infiltration, interception, groundwater and overland flow, accretion and erosion;
- m) Terrestrial and aquatic ecological conditions including, but not limited to, biodiversity, flora, fauna, habitat size, complexity, fragmentation or isolation, change to suitability or capability, restoration, creation and enhancement;
- n) Hazardous conditions including, but not limited to, mud flow, debris torrents, erosion, land slip, rock falls, subsidence, avalanche, wildfire, flood, and inundation, including appropriate construction elevations and setbacks;
- o) Historical, cultural and archaeological buildings, **sites** or assets;
- p) The timing and phasing of the activity or development;
- q) Compatibility with adjacent **City** owned land, rights of way, covenants and easements;
- r) Local infrastructure and **site** servicing including, but not limited to, drainage, water, sewer or other utilities;
- s) Community facilities and services including, but not limited to, schools, parks, recreation, emergency protective and health services;
- t) Any other topic in relation to which the **Department Manager, Development Planning** considers the proposed activity or development impacts the jurisdiction of the **City**.

2.4.3 Where applicable, an assessment required under this section must make recommendations on measures to mitigate and compensate for any impacts identified.

2.5 Council Reconsideration

2.5.1 Within ten business days of being notified in writing of the decision of the **Department Manager, Development Planning** to issue, to amend, or to refuse a permit, or to require Development Approval Information, the applicant may, and at no charge, request **Council** to reconsider the decision.

2.5.2 For a request under Section 2.5.1, the applicant must give notice in writing to the **City Clerk** setting out the grounds on which the **owner** considers the decision to be inappropriate, including the specific decision, and what decision **Council** should use as a substitute.

2.5.3 The **City Clerk** will notify the **Department Manager, Development Planning** of each request for reconsideration and the **Department Manager, Development Planning** will, prior to the date of the meeting at which the reconsideration will occur, provide a written report to **Council** setting out, at the level of detail the **Department Manager, Development Planning** considers appropriate, the rationale for their decision.

2.5.4 The **City Clerk** will place each request for reconsideration on the agenda of a meeting of **Council** to be held as soon as reasonably possible.

2.5.5 The **City Clerk** will notify the applicant of the date of the meeting at which reconsideration will occur.

2.5.6 **Council** will either confirm the decision of the **Department Manager, Development Planning**, or substitute its own decision, including any permit conditions.

2.6 Plans Completed by a Registered Architect

2.6.1 Where a development proposal indicates a building that meets the criteria of the Architectural Institute of British Columbia, all building plans, elevations and floor plans must be completed by a registered architect in good standing and licensed to practice in BC.

2.7 Heritage Property Applications

2.7.1 Pursuant to Sections 615 and 617 of the *Local Government Act*, a **Heritage Alteration Permit** must be issued prior to undertaking alterations or other actions on property within a **Heritage Conservation Area** or on **Protected Heritage Property**. Where a **Heritage Alteration Permit** and a **Building Permit** are both required, the **Heritage Alteration Permit** must be issued prior to or in conjunction with the issuance of the **Building Permit** when a **Building Permit** is necessary.

2.7.2 Withholding of Approvals

a) Pursuant to Sections 604 and 605 of the *Local Government Act*, approvals may be withheld for **Protected Heritage Property** as follows:

- i. The **Divisional Director, Planning & Development Services** may withhold the issuance of any **Building Permit** where the **Department Manager, Development Planning** is of the opinion that the **Building Permit** would authorize an alteration to **Protected Heritage Property**; and
- ii. The **Divisional Director, Planning & Development Services** may withhold the issuance of any **Building Permit** for the demolition of **Protected Heritage Property**

until a **Heritage Alteration Permit** and any other necessary approvals have been issued with respect to the proposed alterations.

- b) Pursuant to Sections 604 and 605 of the *Local Government Act*, approvals may be withheld for a building that is included on the **Heritage Register** as follows:
 - i. The **Divisional Director, Planning & Development Services** may withhold the issuance of any **Building Permit** where the **Department Manager, Development Planning** is of the opinion that the **Building Permit** would authorize an alteration to property that is included in the **Heritage Register**; and
 - ii. The **Divisional Director, Planning & Development Services** may withhold the issuance of any **Building Permit** for the demolition of a building included in the **Heritage Register** until a **Building Permit** and any other necessary approvals have been issued with respect to the proposed alterations.
- c) The **Divisional Director, Planning & Development Services** may not withhold the issuance of a **Building Permit** for the demolition or alteration of **Protected Heritage Property** or a building included in the **Heritage Register** where the demolition or alteration is reasonably required to mitigate a hazard to public safety.
- d) The **Divisional Director, Planning & Development Services** shall notify the applicant for a **Building Permit** withheld under this section that the matter of the issuance of the **Building Permit** will be considered by **Council** at a regular meeting. The date, time and location of the meeting shall be stated in the notice. The notice shall be sent by registered mail, unless the meeting date is within five days of the date on which the notice would be mailed, in which case the notice shall be given by personal service and not mailed. The applicant for the **Building Permit** being withheld shall be entitled to address **Council** when the matter is considered by **Council**.

2.8 Hillside Development

For all applications involving greater than three **lots** within the Intensive Residential – Hillside **Development Permit Area**, as designated in the **OCP**, proof of contract is required between the **owner(s)** and a **Coordinating Hillside Development Professional**.

2.9 Performance Security

2.9.1 Form of Security

Security required by permits will be in the form of a certified cheque, or an irrevocable letter of credit, effective for a period to be determined by the **Department Manager, Development Planning**. Such irrevocable letter of credit will be clean and unconditional, automatically renewing and redeemable at a local bank, and may be subject to additional conditions to be specified by the **Department Manager, Development Planning**.

2.9.2 Amount of Security

The amount of security will be calculated using:

- a) An estimate provided at an applicant's expense by a professional qualified to undertake or supervise the works for which the securities are required, which may be obtained by the applicant and submitted with the application. The estimate must provide a cost breakdown of all materials as well as labour, monitoring and maintenance required; or
- b) Methods prescribed by the **Department Manager, Development Planning**.

2.9.3 Conditions of Security

Where security is a condition of a permit:

- a) When a security for landscaping is a condition of a permit, the amount of the security will be 125%, or a minimum of \$7,000, of the cost of the works including inspections, monitoring and maintenance of all items included in the landscape plan and is to be paid in full prior to permit issuance.
- b) In the case of an unsafe condition that might result from a contravention of a permit condition, the amount of security will reflect the nature of the permit condition, the nature of the unsafe condition, and the cost to the **City** of entering on the land, undertaking work to correct the unsafe condition, including the cost of repairing any damage to land, and improvements that may have been caused by the unsafe condition or that may have occurred in connection with the repair work.
- c) In the case of damage to the natural environment that might result from a contravention of a permit condition, the amount will reflect the nature of the permit condition, the nature of the damage, and the cost to the **City** of entering on the land, correcting the damage to the environment, and restoring or enhancing the natural environment to compensate for the damage that was caused by the contravention of the permit condition.
- d) Where security is required as per Sections 2.9.3(b) and (c) of this bylaw, the **City** will return to the applicant 100% of the security deposit upon receipt of a Letter of Assurance from a **Qualified Professional** certifying that the unsafe condition or damage to the natural environment has been corrected.
- e) Where security is required as a condition of a Permit, except for Natural Environment Development Permits, the following will also apply:
 - i. The landscape works (including irrigation) will be considered substantially complete upon receipt of letters or Landscape Schedules of Assurance (L3) from a Landscape Architect and a Certified Irrigation Designer which certify that the landscape and irrigation works have been completed in accordance with the approved Development Permit, or as determined by the Department Manager, Community Planning.
 - ii. ii) Upon substantial completion, the City will return to the applicant ninety percent (90%) of the security deposit. The City will withhold the remaining ten percent (10%) for up to two (2) growing seasons.
 - iii. iii) At least of one (1) year after substantial completion of the landscape works, the City may return the remainder of the security deposit on the condition that a Letter of Assurance has been submitted by a Landscape Architect certifying that the landscaping remains in substantial compliance with the approved Development Permit.
- f) Where security is required as a condition of a Natural Environment **Development Permit**, the following will also apply:
 - iv. The landscape works will be considered substantially complete upon receipt of a letter from a **Qualified Professional** certifying that the landscape works have been

completed in accordance with the approved **Development Permit**, or as determined by the **Department Manager, Development Planning**.

- v. Upon substantial completion, the **City** will return 90% of the security deposit to the applicant. The **City** will withhold the remaining 10% or \$6,000, whichever is more, for up to five growing seasons.
 - vi. At least one year after substantial completion of the landscape works, the **City** may return the remainder of the security deposit on the condition that a Letter of Assurance has been submitted by a **Qualified Professional** certifying that the landscaping remains in substantial compliance with the approved **Development Permit**.
- g) If the landscape works are not completed in substantial compliance with the approved **Development Permit** by the date of expiry of the permit the **City** may cash the security deposit for the purposes of providing the funds to the current owner(s) of the subject property after completion of the landscape works to the specifications of the approved **Development Permit**. If an unsafe condition or damage to the natural environment has resulted as a consequence of the violation of the permit, the **City** may cash the security deposit for the purposes of completing the landscape works or undertaking works to the correct the unsafe condition or to correct the damage to the natural environment.

2.10 Notice of Decision

Written notice of a **Council** decision will be mailed or otherwise delivered by the **City Clerk** to an applicant at the address provided on the application form.

2.11 Incomplete Applications

If **Development Planning** staff determine that an application is incomplete, the applicant will be requested to provide the required information. If an applicant does not provide the required information within three months of the request, the application and fee will be returned.

2.12 Permit Renewals, Extensions and Lapse

2.12.1 Permit Renewals and Extensions

- a) Applications to renew or to extend a **Temporary Use Permit** under this bylaw must be made prior to the lapse of the permit.
- b) Applications to renew or to extend a **Temporary Use Permit** issued in accordance with this bylaw will be made and processed substantially in accordance with Schedule '5' of this bylaw.

2.12.2 Permit Issuance and Lapse

- a) A **Development Permit, Development Variance Permit, Temporary Farm Worker Housing Permit, or Heritage Alteration Permit** is considered to have been issued upon the date of authorization by **Council**, or, where applicable, by the **Department Manager, Development Planning**.
- b) Pursuant to Section 504 of the *Local Government Act*, in order for construction to be considered substantially started, the following minimum criteria will apply:
 - i. A valid **Building Permit** is issued;
 - ii. The **site** is completely fenced for construction purposes;

- iii. Excavation of the **site** (partially or entirely); and
 - iv. Greater than 50% of the approved **Development Permit** project's footing and foundation is poured; or
 - v. For an approved phased development, 100% of the footing and foundation of the first phase is poured.
 - vi. Except for **Phased Development Agreements** approved pursuant to Schedule '8' of this bylaw, upon receiving final occupancy for a phase of an approved phased development, subsequent phases must meet the criteria of Section 2.11.2(b) within twelve months or the permit will be deemed to have lapsed and will have no force or effect.
- c) A **Development Permit** or **Development Variance Permit** is considered to have lapsed in accordance with Section 504 of the *Local Government Act*, or as specified by the permit.
- d) A **Heritage Alteration Permit** is considered to have lapsed if construction has not substantially commenced within two years of the date of issuance, or as otherwise specified by the Permit.

2.13 Lapse of In-Stream Application

- 2.13.1 In the event that an application made pursuant to this bylaw is one year old or older and has been inactive for a period of six months or greater:
- a) The application will be deemed to be abandoned and the applicant will be notified in writing that the file will be closed;
 - b) Any bylaw that has not received final adoption will be of no force and effect; and
 - c) In the case of **OCP, Zoning, Heritage Revitalization Agreement and Heritage Designation Bylaw** applications, the **City Clerk** will add to a **Council** meeting agenda a motion to rescind all readings of the bylaw associated with that application.
- 2.13.2 Upon written request by the applicant prior to the lapse of the application, **Council** may extend the deadline for a period of up to twelve months by passing a resolution to that effect.
- 2.13.3 If applicable, a refund will be paid to the applicant in accordance with the **Development Application Fees Bylaw** for proposals that have lapsed.
- 2.13.4 In order for an application that has lapsed under Sections 2.13.1 to proceed, a new application, including fee, will be required.

2.14 Reapplication

Subject to Section 460 and Section 590 of the *Local Government Act*, where an application made pursuant to this Bylaw has been refused by **Council**, reapplication will not be accepted for a six-month period immediately following the date of refusal.

2.15 Enforcement

2.15.1 Inspection

The **Department Manager, Development Planning, Divisional Director, Planning & Development Services, Bylaw Enforcement Officers** and any other authorized representative of the **City** under their direction is authorized to enter any premises at all reasonable times to determine if the regulations and provisions of this bylaw are being, or have been met.

2.15.2 Offence

- a) Every person who violates a provision of this bylaw commits an offence and is liable on summary conviction to a penalty not exceeding \$50,000.00 and the costs of prosecution.
- b) Each day a violation of the provisions of this bylaw exists or is permitted to exist will constitute a separate offence.
- c) No person or **owner** will alter a building or land in a **Development Permit Area** as designated in the **OCP** unless they hold a valid **Development Permit** issued in accordance with this bylaw.
- d) No person or **owner** will interfere with or obstruct the entry of a **Bylaw Enforcement Officer** or any authorized **City** representative onto any land or into any building to which entry is made or attempted pursuant to the provisions of this bylaw.

3.0 APPLICATION FEES

3.1 Application Fee Requirement

3.1.1 At the time of application, the applicant will pay to the **City** any application fees required as per the **Development Application Fees Bylaw**.

3.1.2 Where a Public Information Meeting is required by **Council**, the applicant will pay all costs associated with the Public Information Meeting.

3.1.3 The fees prescribed in **Development Application Fees Bylaw** apply to each parcel of land for which the application is made, as follows:

- a) If an application involves two or more contiguous parcels of land, they will be treated as one application;
- b) If an application involves two or more parcels of land that are not contiguous, they will be treated as separate applications and the fee prescribed in the **Development Application Fees Bylaw** applies to each parcel of land for which the application is made.

4.0 PUBLIC NOTIFICATION AND CONSULTATION

4.1 Public Notification and Consultation Requirement

All applications made pursuant to this bylaw will undertake the forms of public notification required by Section 4. Consultation requirements as identified in Council Policy No. 367 must also be undertaken prior to **Council** initial consideration of an application.

4.2 Public Notification

4.2.1 Giving Notice

- a) In accordance with the *Local Government Act*, the **City** will mail or otherwise deliver individual notices to all **owners** and tenants of the subject property for which an application is being made and all **owners** and tenants of properties that are within a 50 m radius or a minimum of four properties, whichever is greater, to which the application pertains, advising of:
 - i. A scheduled **Public Hearing** for an **OCP** amendment, **Zoning Bylaw** amendment, **Phased Development Agreement**, **Land Use Contract Discharge**, **Heritage Designation** bylaw or **Heritage Revitalization Agreement**;
 - ii. A scheduled Council meeting for considering a Heritage Designation bylaw;
 - iii. A scheduled **Council** meeting for considering a **Heritage Alteration Permit** with variances;
 - iv. A scheduled **Council** meeting for considering a **Development Variance Permit**; or
 - v. A scheduled **Council** meeting for considering a **Temporary Use Permit**.
- b) The notification outlined in sub-Section 4.2.1(a) is not required if 10 or more parcels owned by 10 or more persons are subject of the application.
- c) Individual notices will be mailed or otherwise delivered not less than ten days prior to **Council** consideration of a **Heritage Alteration Permit**, **Development Variance Permit**, or **Temporary Use Permit** and not less than ten days prior to a **Public Hearing** for an **OCP**

amendment, **Zoning Bylaw** amendment, **Land Use Contract** discharge, **Heritage Designation Bylaw**, or **Heritage Revitalization Agreement**.

4.2.2 Development Notice Signage

An applicant under this bylaw must, at their cost, post Development Notice Signage on the parcel of land which is the subject of the application, in accordance with the following.

a) Exemptions:

The following types of applications do not require Development Notice Signage:

- i. **Development Permit**
- ii. **Temporary Farm Worker Housing Permit**
- iii. **Heritage Conservation Covenant**
- iv. **Kelowna Heritage Register**
- v. **Heritage Alteration Permit** with no variance(s)
- vi. **OCP and Zoning Bylaw** amendment applications involving ten or more parcels owned by ten or more people

b) Timing:

For applications that require a statutory **Public Hearing**, Development Notice Signs will be posted a minimum of ten days prior to the **Public Hearing** for the application. For all other applications, Development Notice Signs will be posted a minimum of ten days prior to the **Council** meeting at which the application is scheduled for consideration.

Development Notice Signs must remain in place until the conclusion of the **Public Hearing**, until **Council** has considered the application as applicable, within 7 days of Council's further consideration of the application when the **Public Hearing** has been waived, or until the development application has been abandoned. Development Notice Signs must be removed within seven days of the conclusion of a **Public Hearing**.

c) Sign Location and Installation:

Development Notice Signs will be posted so that they are clearly visible from the street, up to three metres inside the property line. Development Notice Signs will be posted in a manner that does not interfere with pedestrian or vehicular traffic or obstruct visibility from streets, lanes or driveways and must be installed in a safe, sturdy manner capable of withstanding wind and weather.

d) Number:

One sign is required per 100 metres of road frontage. No more than three signs are required for any one **site**.

e) Sign Content:

Development Notice Signs will include the following information, as applicable:

- i. The **City's** application file number;
- ii. A brief project description;
- iii. The date of the relevant **Public Hearing** or **Council** meeting at which the application is to be considered, or the final date for receipt of public input if the **Public Hearing** has been waived; and

iv. Any additional information required by the **Department Manager, Development Planning**.

f) Sign Purchase:

Development Notice Signs will be purchased from a signage provider at the applicant's expense. The **City's** signage template must be used, and the signage content must be approved by **City** staff.

g) Photographic Evidence Required:

The applicant must provide the **Department Manager, Development Planning** with photographic evidence confirming that all Development Notice Signs required by this Bylaw have been installed on the subject property by the date required before the application will be considered at a **Public Hearing** or a regular **Council** meeting.

h) Failure to Post:

Failure to post the required Development Notice Signs in accordance with this bylaw will result in the postponement of consideration of the application by **Council**. All costs incurred by the **City** for public notification as a result of such postponement will be the responsibility of the applicant.

4.3 Agency Referral Process

4.3.1 For applications subject to this bylaw, the **Development Planning Department** will develop a referral list of agencies, organizations or levels of government to which the application must be sent for review.

4.3.2 Each agency, organization or level of government will be given a minimum of fifteen working days from receipt of the referral to provide any comments. If after a minimum of fifteen working days the agency, organization or level of government has not notified the **City** in writing about their concerns, they are considered to have no concerns.

5.0 REPEALED

The **City** of Kelowna "Development Application Procedures Bylaw No. 10540" and all amendments thereto, are repealed.

The **City** of Kelowna "Heritage Procedures Bylaw No. 11185" and all amendments thereto, are repealed.

6.0 EFFECTIVE DATE

This bylaw comes into force and takes effect on the date of adoption.

7.0 IRREGULARITY

The failure of **Council** or a committee to observe the provisions of this bylaw does not affect the validity of resolutions passed or bylaws enacted by **Council**.

Schedule '1' – Application Requirements

The information listed below will be required for applications under this bylaw in accordance with Schedules '2' to '14' of this bylaw:

- a) Application Form
- b) State of Title - including complete copies of any easements, rights-of-way, Section 219 covenants and other non-financial charges registered on Title. Must be printed within 30 days of making the application.
- c) Owner's Authorization Form – required if the applicant is not the registered owner(s) of the land subject to the application.
- d) Site Profile - in accordance with the Environmental Management Act.
- e) Zoning Analysis Table - illustrating how the proposal meets or deviates from Zoning Bylaw requirements.
- f) Project Rationale - explaining the project's conformity with relevant City policies including OCP policies and, where applicable, Development Permit Guidelines.
- g) Photographs - of the site and surrounding context (e.g. neighbouring properties, on-site structures, important features, etc.) in colour and at a legible size.
- h) Site Plan - 1:200 scale recommended, all units in metric, with north arrow, including:
 - Civic address and legal description
 - Property line and setbacks, accurately dimensioned
 - Easements, rights-of-way, and covenant areas
 - Outline of existing and proposed building(s), accurately dimensioned
 - Parking layout and allocation, including:
 - Stall dimensions
 - Drive aisle dimensions
 - Parking setbacks to property lines
 - Description of stall uses (ex. visitor stall, loading stall, and resident stall, etc.)
 - Site lighting
 - Location and dimensions of private open space
 - Site grading, including retaining walls and retention slopes
 - Existing geodetic elevations and proposed geodetic elevations

For Commercial, Industrial, and Multi-family applications, also include:

 - Location, number, and dimensions of bicycle parking spaces
 - Location, number, and dimensions of accessible parking spaces
 - Provisions for universal access
 - Location of any existing and/or proposed freestanding signage
 - Location of recycling and garbage enclosure
- i) Floor Plans - for each floor including basement, 1:200 scale recommended, all units in metric, with north arrow, including:
 - Layout and dimensions of all exterior and interior walls
 - Location of doors and windows
 - Use of each room (e.g. bedroom, bathroom, etc.)
 - Dimensions, including area, of each room

j) Elevation Drawings - 1:200 scale recommended, all units in metric, including:

- Exterior of subject building(s) - all elevations with direction labeled
- Dimensioned height from grade on all elevations
- Materials and proposed colour details (e.g. roof, trim, façade)

For Commercial, Industrial, and Multi-family applications, also include:

- Coloured elevation drawings
- Drawings of street elevation with relationship to buildings on adjacent properties
- Size and location of any proposed signage
- Coloured rendering(s) including complete building elevations and landscaping
 - For smaller-scale developments, a minimum of one coloured rendering is required; for larger-scale developments, photo realistic coloured renderings from multiple perspectives that show the details of finished materials are required
 - Additional renderings may be required at the discretion of the Department Manager, Development Planning

k) Materials Board - that can be duplicated (no physical samples) including:

- Roofing material and colour
- Exterior materials and colours
- Window, door, and trim materials and colours
- Any additional materials and colours (e.g. balconies, railings, etc.)

l) Landscape Plan

Conceptual Landscape Plan: for applications under Schedules '2' and '10' of this bylaw – to-scale plan including:

Landscape Plan - (1:200 scale recommended) in metric units with north arrow, detailing:

- Outline of existing and proposed building(s) with existing trees or treed areas
- Parking layout and surface treatment
- Soft landscaping (trees, hedges, planting beds, vines, lawn, etc.), including vegetation within public road right-of-way
- A preliminary plant list of trees, shrubs, perennials and ground covers including quantities, botanical and common names, planting sizes, on centre spacing
- Hard landscaping (precise pavers, brick, concrete, etc.) including materials within public road right-of-way • Landscape structures (fences, trellis, arbours, retaining walls, lighting, etc.)
- Location and size of amenity areas, play areas, and private open space, if applicable
- Where a Landscape Plan is required as a condition of a Natural Environment Development Permit, the Plan will be stamped and sealed by a Qualified Professional.

For Commercial, Industrial, Multi-family & Institutional applications, the following requirements must also be provided:

- A Landscape Plan signed and sealed by a Landscape Architect, and a Water Conservation Report prepared by a Landscape Architect in accordance with Water Regulation Bylaw No. 10480 (as amended or replaced from time to time), including:
 - Landscape Schedules of Assurance (BCSLA);
 - A landscape water budget;
 - A hydrozone plan;
 - An Irrigation Plan, certified by a Certified Irrigation Designer; and
 - A cost estimate, including all landscape and irrigation works.

Landscape costs must indicate topsoil, mulches, trees, plant material, structures, fencing, play equipment, Site furniture, etc.

- Location and treatment of garbage enclosure (including materials and dimensions)
 - Notation of any proposed boulevard trees
 - Notation of special treatments or retaining elements pertaining to grading
- m) Environmental Assessment Report - prepared, signed and sealed by a Registered Professional Biologist licensed to practice in BC, which assesses potential impacts of the proposed development and provides avoidance, mitigation and/or compensation methods as applicable. The assessment will include but is not limited to a biophysical inventory that stratifies and maps environmentally sensitive areas, a habitat balance sheet, a cumulative effects assessment, and a gap analysis.
- n) Habitat Restoration Plan - prepared, signed and sealed by a Qualified Professional, which identifies and recommends restoration areas and details measures necessary to restore the subject property(s) to a level acceptable to the City. The plan will include but is not limited to:
- A landscape plan that includes descriptions of all polygon treatments proposed, representative descriptions and images for each treatment type and a recommended inspection and maintenance schedule;
 - A cost estimate that includes the anticipated costs of implementing the landscape plan and provisions for inspections, maintenance and environmental effectiveness monitoring; and
 - An "as-built" report may be requested upon completion of the habitat restoration work as a condition of the Development Permit that describes and justifies any departures from the proposed restoration prescriptions, provides images and descriptions for each treatment type as completed, recommends additional mid- to long-term measures to enhance the success of the project, and includes a summary of final project costs.
- o) Environmental Monitoring Plan - prepared, signed and sealed by a Qualified Professional that assures project construction activities comply with environmental provisions defined in authorizations and permits, applicable legislation, City environmental management guidelines and policies and industry best management practices. An Environmental Monitoring Plan will assure that appropriate levels of protection are in place to prevent or minimize environmental impacts, will prepare timely, accurate and unbiased reporting, and will include a cost estimate for all monitoring and associated works.
- p) Information about the historical significance and architectural merit of a property. A statement of significance and / or heritage review, prepared by a Qualified Heritage Professional, may be required in accordance with terms of reference outlined by the Development Planning Department, at the discretion of Department Manager, Development Planning.

Schedule '2' – Applications to Amend an Official Community Plan Bylaw or a Zoning Bylaw

This Schedule describes the process applicants must follow to amend an OCP or Zoning Bylaw, including the application requirements and processing procedure. Following the steps outlined below does not grant a right to development approval.

1.0 APPLICATION REQUIREMENTS

1.1. The following information is required for applications to amend an OCP or Zoning Bylaw. See Schedule '1' of this bylaw for a description of each application requirement.

a) Application Form	f) Project Rationale
b) State of Title	h) Site Plan
c) Owner's Authorization Form (if applicable)	i) Floor Plan (if available)
d) Site Profile (if applicable)	j) Elevation Drawings (if available)
e) Zoning Analysis Table	l) Conceptual Landscape Plan

1.2. Additional Development Approval Information may be required by the Department Manager, Development Planning in accordance with Section 2.4 of this bylaw to adequately evaluate an amendment application.

2.0 PROCESSING PROCEDURE

An amendment application submitted in accordance with this bylaw will be processed as follows:

- a) Upon receipt of an application package submitted to the City in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.
- b) Development Planning will review the application for completeness. If the application is incomplete, staff will request the required information from the applicant. Staff will only process the file when the application package is complete.
- c) Development Planning will refer the application to all relevant City departments, as well as applicable government and external agencies.
- d) Development Planning will evaluate the proposal for compliance with relevant City bylaws and policies.
- e) The applicant will complete public notification and consultation as required by Section 4 of this bylaw.
- f) Development Planning will prepare a staff report and refer the application to any relevant Council committee(s). The applicant is encouraged to attend any Council committee meeting(s) at which the application is being considered. The Council committee will provide a recommendation to Development Planning staff.
- g) Development Planning will prepare a staff report for consideration by Council. The applicant is encouraged to attend the Council meeting(s) at which the application will be considered.
- h) If Council decides to proceed with the application, an amending bylaw will be given first reading and conditions will be established, where appropriate. Council may alternatively decide to refer, table or deny the application.
- i) Should the amending bylaw receive first reading, a Public Hearing will be held to allow the public to comment on the application. Notice of a Public Hearing will be given pursuant to the Local Government Act. Should Council choose to waive the Public Hearing for an application to amend the Zoning Bylaw, notice of a waived Public Hearing will be given pursuant to the Local Government Act.

- j) Following the Public Hearing or waiving of the Public Hearing, Council will consider the amendment bylaw and may proceed with second and third readings, refer, table or deny the application. Upon third reading, an amendment bylaw may need to be sent to relevant provincial ministry(s) for approval before proceeding to adoption.
- k) When the applicant has adequately addressed all the conditions associated with the application, Council will consider the adoption of the bylaw(s), subject to Section 2.2.1(b) of this bylaw.
- l) Following reading consideration, the Office of the City Clerk will notify the applicant in writing of Council's decision.

Schedule '3' – Development Permit Applications

This Schedule describes the process applicants must follow for Development Permit applications, including application requirements and processing procedures. Following the steps outlined below does not grant a right to development approval.

1.0 FORM AND CHARACTER & FARM PROTECTION DEVELOPMENT PERMITS

1.1. Form and Character & Farm Protection Direct Development Permits

1.1.1. Restriction on Delegation

Direct Development Permits are approved by the Department Manager, Development Planning. As a restriction on Section 2.3.5(a), the Department Manager, Development Planning may only issue Development Permits that meet the following criteria:

- a) Form and Character Development Permits not containing any residential uses, where:
 - i. The application does not require Ministry of Transportation and Infrastructure approval;
 - ii. The proposed development does not impact adjacent or abutting residential developments; and
 - iii. The proposed development is generally consistent with applicable Development Permit guidelines in the OCP.
- b) Form and Character Development Permits for Intensive Residential Development, applicable to properties in the Sensitive Infill Housing Development Permit Area, where:
 - i. The proposed development is generally consistent with the applicable Development Permit guidelines in the OCP.
- c) Farm Protection Development Permits, where:
 - i. The proposed development is generally consistent with the applicable Development Permit guidelines in the OCP.

Applications not eligible for issuance or amendment by the Department Manager, Development Planning must be considered by Council and are subject to the requirements listed in Schedule '3', Section 1.2 – Form and Character & Farm Protection Council Development Permits, below.

1.1.2. Application Requirements

- a) The following information is required for Form and Character and Farm Protection Direct Development Permit applications. See Schedule '1' of this bylaw for a description of each application requirement.

Direct Form and Character Development Permit
a) Application Form
b) State of Title
c) Owner's Authorization Form (if applicable)
d) Site Profile (if applicable)
e) Zoning Analysis Table
f) Project Rationale
g) Photographs
h) Site Plan
i) Floor Plan
j) Elevation Drawings
k) Materials Board
l) Direct Landscape Plan

Direct Farm Protection Development Permit
a) Application Form
b) State of Title
c) Owner's Authorization Form (if applicable)
d) Site Profile (if applicable)
e) Zoning Analysis Table
f) Project Rationale
g) Photographs
h) Site Plan
j) Elevation Drawings
l) Direct Landscape Plan

- b) Additional Development Approval Information may be required by the Department Manager, Development Planning in accordance with Section 2.4 of this bylaw to adequately evaluate, issue, and/or deny a Development Permit application.

1.1.3. Processing Procedure

An Form and Character or Farm Protection Direct Development Permit application submitted in accordance with this bylaw will be processed as follows:

- a) Upon receipt of an application package submitted to the City in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.
- b) Development Planning will review the application for completeness. If the application is incomplete, staff will request the required information from the applicant. Staff will only process the file when the application package is complete.
- c) Development Planning will refer the application to all relevant City departments, as well as applicable government and external agencies.
- d) Development Planning will evaluate the proposal for compliance with relevant City bylaws and policies. Where applicable, a staff design review will consider the merits of the proposal.
- e) Relevant referral agency comments will be considered by the Department Manager, Development Planning.
- f) Development Planning will notify the applicant in writing of the decision of the Department Manager, Development Planning.
- g) If authorized for issuance by the Department Manager, Development Planning, staff will prepare the required Development Permit and related schedules for signature and obtain the required security pursuant to Section 2.9 of this bylaw.
- h) Upon sign-off of the Development Permit by the Department Manager, Development Planning and receipt of the required security, the Development Permit will be issued and then registered against the title of the property(s) at the Land Title Office.

1.2. Form and Character & Farm Protection Council Development Permits

1.2.1. Application Requirements

- a) The following information is required for Form and Character and Farm Protection Council Development Permit applications. See Schedule '1' of this bylaw for a description of each application requirement.

Council Form and Character Development Permit
a) Application Form
b) State of Title
c) Owner's Authorization Form (if applicable)
d) Site Profile (if applicable)
e) Zoning Analysis Table
f) Project Rationale
g) Photographs
h) Site Plan
i) Floor Plan
j) Elevation Drawings
k) Materials Board
l) Council Landscape Plan

Council Farm Protection Development Permit
a) Application Form
b) State of Title
c) Owner's Authorization Form (if applicable)
d) Site Profile (if applicable)
e) Zoning Analysis Table
f) Project Rationale
g) Photographs
h) Site Plan
j) Elevation Drawings
l) Council Landscape Plan

- b) Additional Development Approval Information may be required by the Department Manager, Development Planning in accordance with Section 2.4 of this bylaw to adequately make a recommendation to Council regarding a Development Permit application.

1.2.2. Processing Procedure

An Form and Character and Farm Protection Council Development Permit application submitted in accordance with this bylaw will be processed as follows:

- a) Upon receipt of an application package submitted to the City in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.
- b) Development Planning will review the application for completeness. If the application is incomplete, staff will request the required information from the applicant. Staff will only process the file when the application package is complete.
- c) Development Planning will refer the application to all relevant City departments, as well as applicable government and external agencies.
- d) Development Planning will evaluate the proposal for compliance with relevant City bylaws and policies. Where applicable, a staff design review will consider the merits of the proposal.
- e) Development Planning will prepare a staff report and refer the application to any relevant Council Committee(s). The applicant is encouraged to attend any Council committee meeting(s) at which the application is being considered. The Council committee will provide a recommendation to Development Planning staff.
- f) Upon receipt of the recommendation of the Council committee and comments from other referral agencies, Development Planning will prepare a staff report and draft Development

Permit for consideration by Council. The applicant is encouraged to attend the Council meeting at which the application is being considered.

- g) The Office of the City Clerk will notify the applicant in writing of the decision of Council.
- h) If authorized for issuance by Council, Development Planning staff will prepare the required Development Permit and related schedules for signature and obtain the required security, pursuant to Section 2.9 of this bylaw.
- i) Upon sign-off of the Development Permit by the Department Manager, Development Planning and receipt of the required security, the Development Permit will be issued and then registered on the State of Title of the subject property(s).

2.0 NATURAL ENVIRONMENT AND HAZARDOUS CONDITIONS DEVELOPMENT PERMITS

2.1. Restriction on Delegation

As a restriction on Section 2.3.5(a), the Department Manager, Development Planning may only issue or amend Natural Environment and Hazardous Conditions Development Permits that meet the following criteria:

- a) The permit is consistent with OCP Development Permit Guidelines; and
- b) No variances to the Zoning Bylaw are required.

Applications not eligible for issuance or amendment by the Department Manager, Development Planning must be considered by Council and are subject to the requirements listed in Schedule '3', Section 2.4 – Environment and Hazardous Conditions Council Development Permit, below.

2.2. Minor Direct Development Permit

2.2.1. Application Requirements

- a) The following information is required for Minor Direct Natural Environment and Hazardous Conditions Development Permit applications. See Schedule '1' of this bylaw for a description of each application requirement.

Minor Direct Natural Environment Development Permit
a) Application Form
b) State of Title
c) Owner's Authorization Form (if applicable)
d) Site Profile
f) Project Rationale
g) Photographs
h) Site Plan
o) Environmental Monitoring Plan

Minor Direct Hazardous Conditions Development Permit
a) Application Form
b) State of Title
c) Owner's Authorization Form (if applicable)
d) Site Profile (if applicable)
f) Project Rationale
g) Photographs
h) Site Plan

- b) For a Natural Environment Development Permit, proof of contract between the owner(s) and a Qualified Professional to prepare an Environmental Monitoring Plan and any associated work.
- c) For a Natural Environment Development Permit, a Letter of Authorization to Halt Work, signed by the owner(s) authorizing the contracted Qualified Professional to halt or modify

any construction activity necessary to ensure compliance with the requirements of the Development Permit and best management practices.

- d) Additional Development Approval Information may be required by the Department Manager, Development Planning in accordance with Section 2.4 of this bylaw to adequately evaluate, issue, and/or deny a Development Permit application.

2.2.2. Processing Procedures

A Minor Direct Natural Environment or Hazardous Conditions Development Permit application submitted in accordance with this bylaw will be processed as follows:

- a) Upon receipt of an application package submitted in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.
- b) Development Planning will review the application for completeness. If the application is incomplete, staff will request the required information from the applicant. Staff will only process the file when the application package is complete.
- c) Development Planning will refer the application to all applicable City departments.
- d) Development Planning will evaluate the proposal for compliance with relevant City bylaws and policies.
- e) Relevant technical comments will be considered by the Department Manager, Development Planning.
- f) Development Planning will notify the applicant in writing of the decision of the Department Manager, Development Planning.
- g) If authorized for issuance by the Department Manager, Development Planning, staff will prepare the required Development Permit and related schedules for signature, and obtain the required security, pursuant to Section 2.9 of this bylaw.
- h) Upon sign-off of the Development Permit by the Divisional Director, Planning & Development Services and receipt of the required security, the Development Permit will be issued and then registered on the State of Title of the subject property(s).

2.3. Major Direct Development Permit

2.3.1. Application Requirements

- a) The following information is required for Major Direct Natural Environment and Hazardous Conditions Development Permit applications. See Schedule '1' of this bylaw for a description of each application requirement.

Major Direct Natural Environment Development Permit
a) Application Form
b) State of Title
c) Owner's Authorization Form (if applicable)
d) Site Profile
f) Project Rationale
g) Photographs
h) Site Plan
m) Environmental Assessment Report
n) Habitat Restoration Plan
o) Environmental Monitoring Plan

Major Direct Hazardous Conditions Development Permit
a) Application Form
b) State of Title
c) Owner's Authorization Form (if applicable)
d) Site Profile (if applicable)
f) Project Rationale
g) Photographs
h) Site Plan

- b) For a Natural Environment Development Permit, proof of contract between the owner(s) and a Qualified Professional to prepare an Environmental Monitoring Plan and any associated work.
- c) For a Natural Environment Development Permit, a Letter of Authorization to Halt Work, signed by the owner(s) authorizing the contracted Qualified Professional to halt or modify any construction activity necessary to ensure compliance with the requirements of the Development Permit and best management practices.
- d) Additional Development Approval Information may be required by the Department Manager, Development Planning in accordance with Section 2.4 of this bylaw to adequately evaluate, issue, and/or deny a Development Permit application.

2.3.2. Processing Procedures

A Major Direct Natural Environment or Hazardous Conditions Development Permit application submitted in accordance with this bylaw will be processed as follows:

- a) Upon receipt of an application package submitted in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.
- b) Development Planning will review the application for completeness. If the application is incomplete, staff will request the required information from the applicant. Staff will only process the file when the application package is complete.
- c) Development Planning will refer the application to all relevant City departments, as well as applicable government and external agencies.
- d) Development Planning will evaluate the proposal for compliance with relevant City bylaws and policies. An internal staff development review will consider the merits of the proposal.
- e) Relevant technical comments will be considered by the Department Manager, Development Planning.
- f) Development Planning will notify the applicant in writing of the decision of the Department Manager, Development Planning.

- g) If authorized for issuance by the Department Manager, Development Planning, staff will prepare the required Development Permit and related schedules for signature, and obtain the required security, pursuant to Section 2.9 of this Bylaw.
- h) Upon sign-off of the Development Permit by the Divisional Director, Planning & Development Services and receipt of the required security, the Development Permit will be issued and then registered on the State of Title of the subject property(s).

2.4. Natural Environment and Hazardous Conditions Council Development Permit

2.4.1. Application Requirements

- a) The following information is required for Natural Environment and Hazardous Conditions Council Development Permit applications. See Schedule '1' of this bylaw for a description of each application requirement.

Council Natural Environment Development Permit	Council Hazardous Conditions Development Permit
a) Application Form	a) Application Form
b) State of Title	b) State of Title
c) Owner's Authorization Form (if applicable)	c) Owner's Authorization Form (if applicable)
d) Site Profile	d) Site Profile (if applicable)
f) Project Rationale	f) Project Rationale
g) Photographs	g) Photographs
h) Site Plan	h) Site Plan
m) Environmental Assessment Report	
n) Habitat Restoration Plan	

- b) For a Natural Environment Development Permit, proof of contract between the owner(s) and a Qualified Professional to prepare an Environmental Monitoring Plan and any associated work.
- c) For a Natural Environment Development Permit, a Letter of Authorization to Halt Work, signed by the owner(s) authorizing the contracted Qualified Professional to halt or modify any construction activity necessary to ensure compliance with the requirements of the Development Permit and best management practices.
- d) Additional Development Approval Information may be required by the Department Manager, Development Planning in accordance with Section 2.4 of this bylaw to adequately make a recommendation to Council regarding a Development Permit application.

2.4.2. Processing Procedures

A Natural Environment or Hazardous Conditions Council Development Permit application submitted in accordance with this Bylaw will be processed as follows:

- a) Upon receipt of an application package submitted in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.
- b) Development Planning will review the application for completeness. If the application is incomplete, staff will request the required information from the applicant. Staff will only process the file when the application package is complete.

- c) Development Planning will refer the application to all relevant City departments, as well as applicable government and external agencies.
- d) Development Planning will evaluate the proposal for compliance with relevant City bylaws and policies. An internal staff development review will consider the merits of the proposal.
- e) Development Planning will prepare a staff report and refer the application to any relevant Council Committee(s). The applicant is encouraged to attend any Council committee meeting(s) at which the application is being considered. The Council committee will provide a recommendation to Development Planning staff.
- f) Upon receipt of the recommendation of the Council committee and comments from other referral agencies, Development Planning staff will prepare a staff report and draft Development Permit for consideration by Council. The applicant is encouraged to attend the Council meeting at which the application is being considered.
- g) The Office of the City Clerk will notify the applicant in writing of the decision of Council.
- h) If authorized for issuance by Council, Development Planning staff will prepare the required Development Permit and related schedules for signature, and obtain the required security, pursuant to Section 2.9 of this bylaw.
- i) Upon sign-off of the Development Permit by the Department Manager, Development Planning and receipt of the required security, the Development Permit will be issued and then registered on the State of Title of the subject property(s).

Schedule '4' – Development Variance Permit Applications

This Schedule describes the process applicants must follow for Development Variance Permit applications, including application requirements and processing procedures. Following the steps outlined below does not grant a right to development approval.

1.0 APPLICATION REQUIREMENTS

1.1. The following information is required for Development Variance Permit applications. See Schedule '1' of this bylaw for a description of each application requirement.

a) Application Form	g) Photographs
b) State of Title	h) Site Plan
c) Owner's Authorization Form (if applicable)	i) Floor Plan
d) Site Profile (if applicable)	j) Elevation Drawings
e) Zoning Analysis Table	l) Council Landscape Plan (if applicable)
m) Project Rationale	

1.2. Additional Development Approval Information may be required by the Department Manager, Development Planning in accordance with Section 2.4 of this bylaw to adequately make a recommendation to Council regarding a Development Variance Permit application.

2.0 PROCESSING PROCEDURE

A Development Variance Permit application submitted in accordance with this bylaw will be processed as follows:

- a) Upon receipt of an application package submitted to the City in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.
- b) Development Planning will review the application for completeness. If the application is incomplete, staff will request the required information from the applicant. Staff will only process the file when the application package is complete.
- c) Development Planning will refer the application to all relevant City departments, as well as applicable government and external agencies.
- d) Development Planning will evaluate the proposal for compliance with relevant City bylaws and policies.
- e) The applicant will complete public notification and consultation as required by Section 4 of this bylaw.
- f) Development Planning will prepare a staff report and refer the application to any relevant Council committee(s). The applicant is encouraged to attend any Council committee meeting(s) at which the application is being considered. The Council committee will provide a recommendation to Development Planning staff.
- g) Upon receipt of the comments of other referral agencies, Development Planning staff will prepare a staff report and draft Development Variance Permit for consideration by Council. The applicant is encouraged to attend the Council meeting at which the application is being considered.
- h) The Office of the City Clerk will notify the applicant in writing of the decision of Council.

- i) If authorized for issuance by the Council, Development Planning staff will prepare the required Development Variance Permit and related schedules for signature, and obtain any required security, pursuant to Section 2.9 of this bylaw.
- n) Upon sign-off of the Development Variance Permit by the Department Manager, Development Planning and receipt of required security, the Development Variance Permit will be issued and then registered on the State of Title of the subject property(s).

Schedule '5' – Temporary Use Permit Applications

This Schedule describes the process applicants must follow for Temporary Use Permit applications, including application requirements and processing procedures. Following the steps outlined below does not grant a right to development approval.

1.0 APPLICATION REQUIREMENTS

- 1.1. The following information is required for Temporary Use Permit applications. See Schedule '1' of this bylaw for a description of each application requirement.

f) Application Form	k) Photographs
g) State of Title	l) Site Plan
h) Owner's Authorization Form (if applicable)	m) Floor Plan
i) Site Profile (if applicable)	n) Elevation Drawings
j) Zoning Analysis Table	o) Council Landscape Plan (if applicable)
p) Project Rationale	

- 1.2. Additional Development Approval Information may be required by the Department Manager, Development Planning in accordance with Section 2.4 of this bylaw to adequately make a recommendation to Council regarding a Temporary Use Permit application.

2.0 PROCESSING PROCEDURE

A Temporary Use Permit application submitted in accordance with this bylaw will be processed as follows:

- a) Upon receipt of an application package submitted to the City in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.
- b) Development Planning will review the application for completeness. If the application is incomplete, staff will request the required information from the applicant. Staff will only process the file when the application package is complete.
- c) The applicant will complete public notification and consultation as required by Section 4 of this bylaw.
- d) Development Planning will refer the application to all relevant City departments, as well as applicable government and external agencies.
- e) Development Planning will prepare a staff report and refer the application to any relevant Council committee(s). The applicant is encouraged to attend any Council committee meeting(s) at which the application is being considered. The Council committee will provide a recommendation to Development Planning staff.
- f) Development Planning staff will prepare a staff report for consideration by Council. The applicant is encouraged to attend the Council meeting at which the application will be considered.
- g) Council will consider the staff report and may grant the requested permit, or may refer, table, direct back to the appropriate Council committee(s) or deny the application.
- h) The Office of the City Clerk will notify the applicant in writing of the decision of Council.

- j) If authorized for issuance by the Council, Development Planning staff will prepare the required Temporary Use Permit and related schedules for signature, and obtain any required security, pursuant to Section 2.9 of this bylaw.
- k) Upon sign-off of the Temporary Use Permit by the Department Manager, Development Planning and receipt of required security, the Temporary Use Permit will be issued and then registered on the State of Title of the subject property(s).

Schedule '6' – Land Use Contract Discharge Applications

This Schedule describes the process applicants must follow for Land Use Contract Discharge applications. Following the steps outlined below does not grant a right to development approval. The Provincial government enacted legislation stipulating that all land use contracts in British Columbia will be automatically terminated on June 30, 2024; therefore, this Schedule will no longer be of force and effect as of June 30, 2024.

1.0 DISCHARGING A LAND USE CONTRACT

1.1. Making Application and Processing Procedures

1.1.1. Land Use Contract Discharge applications will be made and processed substantially in accordance with Schedule '2' of this bylaw.

1.2. Notification and Consultation

1.2.1. Land Use Contract Discharge applications will be subject to the notification and consultation requirements established for the "Zoning Minor" category in Council Policy No. 367.

1.3. Council Decisions

1.3.1. Applications under this section will be subject to Council consideration in accordance with Section 2.2 of this bylaw.

Schedule '7' – Agricultural Land Commission Act Applications

This Schedule describes the process applicants must follow for Agricultural Land Commission Act applications, including application requirements and processing procedures. Following the steps outlined below does not grant a right to development approval.

1.0 APPLICATION REQUIREMENTS

Agricultural Land Commission (ALC) applications are made directly to the ALC through the ALC's online application portal. Applications are then forwarded to the City. Review the Agricultural Land Commission's (ALC) "Applicant Information Package" (available at www.alc.gov.bc.ca) prior to submitting an application. This package contains details on ALC application requirements as well as the ALC process for issuing approvals.

2.0 PROCESSING PROCEDURE

An application under the Agricultural Land Commission Act submitted in accordance with this bylaw will be processed as follows:

- a) Upon receipt of an ALC application package submitted in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.
- b) Development Planning will review the application for completeness. If the application is incomplete, staff will request the required information from the applicant. Staff will only process the file when the application package is complete.
- c) Development Planning will refer the application to all relevant City departments, as well as applicable government and external agencies.
- d) Development Planning will evaluate the proposal for compliance with relevant City bylaws and policies and relevant provincial regulations, including, but not limited to, the Agricultural Land Reserve General Regulation and Agricultural Land Reserve Use Regulation.
- e) Development Planning will prepare a staff report and refer the application to any relevant Council committee(s). The applicant is encouraged to attend any Council committee meeting(s) at which the application is being considered. The Council committee will provide a recommendation to Development Planning staff.
- f) Development Planning staff will prepare a staff report for consideration by Council. The applicant is encouraged to attend the Council meeting at which the application will be considered.
- g) If the proposal triggers Sections 25(3) or 29(4) of the Agricultural Land Commission Act, Council must provide a recommendation regarding the file, and as such will consider the staff report pursuant to Section 2.2 of this bylaw.
- h) The Office of the City Clerk will notify the applicant in writing of the decision of Council.
- i) If authorized, Development Planning will forward the complete application to the ALC with the staff report and Council resolution.
- j) If Sections 25(3) of the Agricultural Land Commission Act is not triggered by the proposal, Council may make a recommendation for ALC consideration. Development Planning will forward the complete application to the ALC with the staff report and Council recommendation.

Schedule '8' – Phased Development Agreement Applications

This Schedule describes the process applicants must follow for Phased Development Agreement applications, including application requirements and processing procedures. Following the steps outlined below does not grant a right to development approval.

1.0 APPLICATION REQUIREMENTS

Prior to the preparation of any Phased Development Agreement documents, an applicant subject to this Schedule must first submit a request for Council's authorization to proceed with a Phased Development Agreement. The request must include, but will not be limited to, the following:

- a) A State of Title, printed within ninety days of making the application, for all properties subject to the application;
- b) Owner's Authorization Form (if applicable);
- c) A Letter of Request outlining the subject property(s), including legal descriptions;
- d) A map illustrating the subject property(s); and
- e) A Terms of Reference for the Phased Development Agreement addressing the items required under the applicable provisions of the Local Government Act.

2.0 PROCESSING PROCEDURES

A Phased Development Agreement application submitted in accordance with this bylaw will be processed as follows:

- a) Upon receipt of an application package submitted to the City in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.
- b) Development Planning will review the application for completeness. If the application is incomplete, staff will request the required information from the applicant. Staff will only process the file when the application package is complete.
- c) Development Planning will review the proposal and work with the applicant as necessary to prepare a report for Council's authorization to proceed with the preparation of a Phased Development Agreement.
- d) Council will consider the staff report and may consider whether to authorize, authorize with conditions, or deny the preparation of a Phased Development Agreement in accordance with Section 2.2.4 of this bylaw.
- e) If authorized, Development Planning will work with the applicant to prepare a draft Phased Development Agreement, which may require additional supporting information in accordance with goals and objectives established in the OCP.
- f) Development Planning will refer the draft Phased Development Agreement to all relevant City departments, as well as applicable government and external agencies, and the City solicitor.
- g) Development Planning will prepare a staff report, accompanied by the draft Phased Development Agreement bylaw, for Council consideration. The applicant is encouraged to attend the Council meeting at which the application will be considered.

- h) If Council decides to proceed with the application, the Phased Development Agreement bylaw will be given first reading, and conditions will be established, where appropriate. Council may alternatively decide to defer, table or deny the application.
- i) Should the bylaw receive first reading, it will be advertised in accordance with the Local Government Act and a Public Hearing will be held to allow the public to comment on the application. Notice of a Public Hearing will be given pursuant to the Local Government Act.
- j) Following the Public Hearing, Council will consider the bylaw and may proceed with second and third readings, defer, table or deny the application.
- k) Once the applicant has adequately addressed any conditions identified, Council will consider the adoption of the bylaw.
- l) The Office of the City Clerk will notify the applicant in writing of the decision of Council.
- m) If approved, notice of the Phased Development Agreement will be registered on the State of Title of the subject property(s).

Schedule 'g' – Temporary Farm Worker Housing Permit Applications

This Schedule describes the process applicants must follow for Temporary Farm Worker Housing applications, including application requirements and processing procedures. Following the steps outlined below does not grant a right to development approval.

All Temporary Farm Work Housing must be approved by the Agricultural Land Commission. See Schedule '7' – of this bylaw for application requirements.

1.0 TEMPORARY FARM WORKER HOUSING PERMIT MINOR DIRECT

1.1. Restriction on Delegation

1.1.1. As a restriction on Section 2.3.4, the Department Manager, Development Planning may only issue or amend Temporary Farm Worker Housing Permits that meet the following criteria:

- a) The application is consistent with OCP Development Permit guidelines;
- b) The application is proposed to authorize eight (8) or fewer sleeping units; and
- c) No variances to the Zoning Bylaw are required.

Applications not eligible for issuance or amendment by the Department Manager, Development Planning must be considered by Council and are subject to the requirements listed in Schedule 'g', Section 2.0 – Temporary Farm Worker Housing Permit Major (Council), below.

1.2. Application Requirements

1.2.1. The following information is required for Temporary Farm Worker Housing Permit Minor Direct applications. See Schedule '1' of this bylaw for a description of each application requirement.

a) Application Form	g) Photographs
b) State of Title	h) Site Plan
c) Owner's Authorization Form (if applicable)	i) Floor Plan
d) Site Profile (if applicable)	j) Elevation Drawings
f) Project Rationale	l) Direct Landscape Plan

1.2.2. Additional Development Approval Information may be required by the Department Manager, Development Planning in accordance with Section 2.4 of this bylaw to adequately evaluate, issue, and/or deny a Temporary Farm Worker Housing Permit Minor Direct application.

1.3. Processing Procedures

A Temporary Farm Worker Housing Permit Minor Direct application submitted in accordance with this bylaw will be processed as follows:

- a) Upon receipt of an application package submitted in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.
- b) Development Planning will review the application for completeness. If the application is incomplete, staff will request the required information from the applicant. Staff will only process the file when the application package is complete.
- c) Development Planning will refer the application to all applicable City departments.

- d) Development Planning will evaluate the proposal for compliance with relevant City bylaws and policies.
- e) Relevant referral agency comments will be considered by the Department Manager, Development Planning.
- f) Development Planning will notify the applicant in writing of the decision of the Department Manager, Development Planning.
- g) If authorized for issuance by the Department Manager, Development Planning, staff will prepare the required permit and related schedules for signature, and obtain the required security, pursuant to Section 2.9 of this bylaw.
- h) Upon sign-off of the Permit by the Department Manager, Development Planning and receipt of the required security, the permit will be issued and then registered on the State of Title of the subject property(s).

2.0 TEMPORARY FARM WORKER HOUSING PERMIT MAJOR (COUNCIL)

2.1. Application Requirements

2.1.1. The following information is required for Temporary Farm Worker Housing Permit Major applications. See Schedule '1' of this bylaw for a description of each application requirement.

a) Application Form	g) Photographs
b) State of Title	h) Site Plan
c) Owner's Authorization Form (if applicable)	i) Floor Plan
d) Site Profile (if applicable)	j) Elevation Drawings
h) Project Rationale	l) Council Landscape Plan

2.1.2. Additional Development Approval Information may be required by the Department Manager, Development Planning in accordance with Section 2.4 of this bylaw to adequately evaluate, issue, and/or deny a Temporary Farm Worker Housing Permit Major application.

2.2. Processing Procedures

A Temporary Farm Worker Housing Permit Major application submitted in accordance with this Bylaw will be processed as follows:

- a) Upon receipt of an application package submitted in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.
- b) Development Planning will review the application for completeness. If the application is incomplete, staff will request the required information from the applicant. Staff will only process the file when the application package is complete.
- c) Development Planning will refer the application to all relevant City departments, as well as applicable government and external agencies.
- d) Development Planning will evaluate the proposal for compliance with relevant City bylaws and policies.
- e) The applicant will undertake the form(s) of public notification and consultation required in accordance with Section 4 of this bylaw.

- f) Development Planning will prepare a staff report and refer the application to any relevant Council committee(s). The applicant is encouraged to attend any Council committee meeting(s) at which the application is being considered. The Council committee(s) will provide a recommendation to Development Planning staff.
- g) Upon receipt of the recommendation of the Council committee(s) and the comments of other referral agencies, Development Planning staff will prepare a staff report and draft permit for review by Council. The applicant is encouraged to attend the Council meeting at which the application will be considered.
- h) The Office of the City Clerk will notify the applicant in writing of the decision of Council.
- i) If authorized for issuance by Council, Development Planning staff will prepare the required permit and related schedules for signature, and obtain the required security, pursuant to Section 2.9 of this bylaw.
- j) Upon sign-off of the permit by the Department Manager, Development Planning and receipt of required security, the permit will be issued.

Schedule '10' – Heritage Revitalization Agreement Applications

This Schedule describes the process applicants must follow for Heritage Revitalization Agreement applications, including application requirements and processing procedures. Following the steps outlined below does not grant a right to development approval.

1.0 APPLICATION REQUIREMENTS

- 1.1. The following information is required for Heritage Revitalization Agreement applications and applications to amend a Heritage Revitalization Agreement. See Schedule '1' of this bylaw for descriptions of application requirements.

a) Application Form	h) Site Plan
b) State of Title	i) Floor Plan
c) Owner's Authorization Form (if applicable)	j) Elevation Drawings
d) Site Profile (if applicable)	k) Materials Board
e) Zoning Analysis Table	l) Conceptual, Direct, or Council Landscape Plan (if applicable)
f) Project Rationale including proposed uses, density, and a description of proposed alterations, rehabilitation, and /or restoration of the heritage asset	p) Information about historical significance of the property
g) Photographs including photographs of each elevation of the property	

- 1.2. Other information that will assist in the evaluation of the application may be requested by the Department Manager, Development Planning to adequately make a recommendation to Council regarding a Heritage Revitalization Agreement application.

2.0 PROCESSING PROCEDURES

A Heritage Revitalization Agreement application submitted in accordance with this bylaw will be processed as follows:

- a) Upon receipt of an application package submitted to the City in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.
- b) Development Planning will review the application for completeness. If the application is incomplete, staff will request the required information from the applicant. Staff will only process the file when the application package is complete.
- c) Development Planning will refer the application to all relevant City departments, as well as applicable government and external agencies.
- d) Development Planning will evaluate the proposal for compliance with relevant City bylaws and policies.
- e) The applicant will complete public notification and consultation as required by Section 4 of this bylaw.

- f) Development Planning will prepare a staff report and refer the application to any relevant Council committee(s). The applicant is encouraged to attend any Council committee meeting(s) at which the application is being considered. The Council committee(s) will provide a recommendation to Development Planning staff.
- g) Upon receipt of the recommendation of the Council committee(s) and the comments of other referral agencies, Development Planning staff will prepare a staff report for review by Council. The applicant is encouraged to attend the Council meeting at which the application will be considered.
- h) If Council decides to proceed with the application, the bylaw will be given first reading and conditions will be established, where appropriate. Council may alternatively decide to refer, table or deny the application.
- i) Should the bylaw receive first reading, a Public Hearing, if required, will be held to allow the public to comment on the application. Notice of a Public Hearing will be given pursuant to the Local Government Act.
- j) Following the Public Hearing, Council will consider the bylaw and may proceed with second and third readings, refer, table or deny the application. Upon third reading, the bylaw may need to be sent to relevant provincial ministry(s) for approval before proceeding to adoption.
- k) When the applicant has adequately addressed all the conditions associated with the application, Council will consider the adoption of the bylaw(s), subject to Section 2.2.5(b).
- l) Following reading consideration, the Office of the City Clerk will notify the applicant in writing of Council's decision.
- m) Within 30 days of adoption the City Clerk will file notice in the Land Title Office in accordance with Local Government Act section 594 and give written notice to the Heritage Minister in accordance with Local Government Act section 595.

Schedule '11' – Heritage Designation Bylaw Applications

This Schedule describes the process applicants must follow for Heritage Designation Bylaw applications, including application requirements and processing procedures. Following the steps outlined below does not grant a right to development approval.

1.0 APPLICATION REQUIREMENTS

- 1.1. The following information is required for Heritage Designation Bylaw applications. See Schedule '1' of this bylaw for descriptions of application requirements.

a) Application Form	h) Site Plan
b) State of Title	i) Floor Plan
c) Owner's Authorization Form (if applicable)	j) Elevation Drawings
d) Site Profile (if applicable)	k) Materials Board
e) Zoning Analysis Table	l) Council Landscape Plan (if applicable)
f) Project Rationale including a description of the property's current uses, details of building features to be protected, details of landscape features to be protected	p) Information about historical significance of the property
g) Photographs including photographs of each elevation of the property	

- 1.2. Other information that will assist in the evaluation of the application may be requested by the Department Manager, Development Planning to adequately make a recommendation to Council regarding a Heritage Designation Bylaw application.

2.0 PROCESSING PROCEDURES

A Heritage Designation Bylaw application submitted in accordance with this bylaw will be processed as follows:

- a) Upon receipt of an application package submitted to the City in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.
- b) Development Planning will review the application for completeness. If the application is incomplete, staff will request the required information from the applicant. Staff will only process the file when the application package is complete.
- c) Development Planning will refer the application to all relevant City departments, as well as applicable government and external agencies.
- d) Development Planning will evaluate the proposal for compliance with relevant City bylaws and policies.
- e) The applicant will complete public notification and consultation as required by Section 4 of this bylaw.
- f) Development Planning will prepare a staff report and refer the application to any relevant Council committee(s). The applicant is encouraged to attend any Council committee

meeting(s) at which the application is being considered. The Council committee(s) will provide a recommendation to Development Planning staff.

- g) Upon receipt of the recommendation of the Council committee(s) and the comments of other referral agencies, Development Planning staff will prepare a staff report for review by Council. The applicant is encouraged to attend the Council meeting at which the application will be considered.
- h) If Council decides to proceed with the application, the bylaw will be given first reading and conditions will be established, where appropriate. Council may alternatively decide to refer, table or deny the application.
- i) Should the bylaw receive first reading, a Public Hearing, if required, will be held to allow the public to comment on the application. Notice of a Public Hearing will be given pursuant to the Local Government Act.
- j) Following the Public Hearing, Council will consider the bylaw and may proceed with second and third readings, refer, table or deny the application. Upon third reading, the bylaw may need to be sent to relevant provincial ministry(s) for approval before proceeding to adoption.
- k) When the applicant has adequately addressed all the conditions associated with the application, Council will consider the adoption of the bylaw(s), subject to Section 2.2.5(b).
- l) Following reading consideration, the Office of the City Clerk will notify the applicant in writing of Council's decision.
- m) Within 30 days of adoption the City Clerk will file notice in the Land Title Office in accordance with Local Government Act section 594 and give written notice to the Heritage Minister in accordance with Local Government Act section 595.

Schedule '12' – Heritage Conservation Covenant Applications

This Schedule describes the process applicants must follow for Heritage Conservation Covenant applications, including application requirements and processing procedures. Following the steps outlined below does not grant a right to development approval.

1.0 APPLICATION REQUIREMENTS

1.1. The following information is required for Heritage Conservation Covenant applications. See Schedule '1' of this bylaw for descriptions of application requirements.

a) Application Form	h) Site Plan
b) State of Title	i) Floor Plan
c) Owner's Authorization Form (if applicable)	j) Elevation Drawings
d) Site Profile (if applicable)	k) Materials Board
e) Zoning Analysis Table	l) Council Landscape Plan
f) Project Rationale including a description of the property's current uses, details of building features to be protected, details of landscape features to be protected	p) Information about historical significance of the property
g) Photographs including photographs of each elevation of the property	

1.2. Other information that will assist in the evaluation of the application may be requested by the Department Manager, Development Planning to adequately make a recommendation to Council regarding a Heritage Conservation Covenant application.

2.0 PROCESSING PROCEDURES

A Heritage Conservation Covenant application submitted in accordance with this bylaw will be processed as follows:

- a) Upon receipt of an application package submitted to the City in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.
- b) Development Planning will review the application for completeness. If the application is incomplete, staff will request the required information from the applicant. Staff will only process the file when the application package is complete.
- c) Development Planning will refer the application to all relevant City departments, as well as applicable government and external agencies.
- d) Development Planning will prepare a staff report and refer the application to any relevant Council committee(s). The applicant is encouraged to attend any Council committee meeting(s) at which the application is being considered. The Council committee(s) will provide a recommendation to Development Planning staff.
- e) Upon receipt of the comments of other referral agencies, Development Planning staff will prepare a staff report for consideration by Council. The applicant is encouraged to attend the Council meeting at which the application will be considered.

- f) The Office of the City Clerk will notify the applicant in writing of the decision of Council.
- g) If approved by Council, Development Planning staff will work with the applicant to prepare the required Heritage Conservation Covenant.
- h) The Heritage Conservation Covenant will be registered on the State of Title of the subject property(s).

Schedule '13' – Heritage Alteration Permit Applications

This Schedule describes the process applicants must follow for Heritage Alteration Permit applications, including application requirements and processing procedures. Following the steps outlined below does not grant a right to development approval.

If a Heritage Alteration Permit application requires a variance to the provisions of the Zoning Bylaw, the variance request is to be included in the Heritage Alteration Permit application; a separate Development Variance Permit application is not required.

1.0 HERITAGE ALTERATION PERMITS (DIRECT)

1.1. Restriction on Delegation

As a restriction on Section 2.3.6(a), the Department Manager, Development Planning may only issue Heritage Alteration Permits that meet the following criteria:

- a) Protected Heritage Property:
 - i. The application is for non-structural alterations to a heritage building located on Protected Heritage Property, including the replacement of windows, doors, roofing materials or minor repairs/alterations of this nature; or
 - ii. The application is for changes to the exterior finish of a heritage building located on Protected Heritage Property, such as repainting, the addition of period lighting on the structure and replacement of decorative details; or
 - iii. The application is for site alteration requests for Protected Heritage Property such as the addition or removal of site vegetation, or the relocation of required parking; and
 - iv. The application does not require a variance to the provisions of the Zoning Bylaw.
- b) Heritage Conservation Areas:
 - i. The application is for development on a property that is zoned for single or two dwelling housing within a Heritage Conservation Area; and
 - ii. The application does not require a variance to the provisions of the Zoning Bylaw.

Applications not eligible for issuance or amendment by the Department Manager, Development Planning must be considered by Council.

1.2. Application Requirements

- a) The following information is required for direct Heritage Alteration Permit applications and applications to amend a direct Heritage Alteration Permit. See Schedule '1' of this bylaw for descriptions of application requirements.

a) Application Form	h) Site Plan
b) State of Title	i) Floor Plan
c) Owner's Authorization Form (if applicable)	j) Elevation Drawings
d) Site Profile (if applicable)	k) Materials Board
e) Zoning Analysis Table	l) Landscape Plan for Direct Permits
f) Project Rationale including proposed uses, density, and a description of proposed alterations, rehabilitation, and /or restoration of the heritage asset	p) Information about historical significance of the property

g) Photographs including photographs of each elevation of the property	
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- b) Other information that will assist in the evaluation of the application may be requested by the Department Manager, Development Planning to adequately make a recommendation regarding a Heritage Alteration Permit application.

1.3. Processing Procedure

A direct Heritage Alteration Permit application submitted in accordance with this bylaw will be processed as follows:

- a) Upon receipt of an application package submitted to the City in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.
- b) Development Planning will review the application for completeness. If the application is incomplete, staff will request the required information from the applicant. Staff will only process the file when the application package is complete.
- c) Development Planning will refer the application to all relevant City departments, as well as applicable government and external agencies.
- d) Development Planning will evaluate the proposal for compliance with relevant City bylaws and policies. Where applicable, a staff design review will consider the merits of the proposal.
- e) Development Planning will prepare a staff report and refer the application to any relevant Council Committee(s). The applicant is encouraged to attend any Council committee meeting(s) at which the application is being considered. The Council committee will provide a recommendation to Development Planning staff.
- f) Upon receipt of the recommendation of the Council committee and comments from other referral agencies, Development Planning will prepare a draft Heritage Alteration Permit for consideration by the Department Manager, Development Planning.
- g) Development Planning will notify the applicant in writing of the decision of the Department Manager, Development Planning.
- h) If authorized for issuance by the Department Manager, Development Planning, staff will prepare the required Heritage Alteration Permit and related schedules for signature and obtain the required security pursuant to Section 2.9 of this bylaw.
- i) Upon sign-off of the Heritage Alteration Permit by the Department Manager, Development Planning and receipt of the required security, the Heritage Alteration Permit will be issued.

2.0 HERITAGE ALTERATION PERMITS (COUNCIL)

2.1. Application Requirements

- a) The following information is required for Council Heritage Alteration Permit applications and applications to amend a Council Heritage Alteration Permit. See Schedule '1' of this bylaw for a description of each application requirement.

a) Application Form	h) Site Plan
b) State of Title	i) Floor Plan

c) Owner's Authorization Form (if applicable)	j) Elevation Drawings
d) Site Profile (if applicable)	k) Materials Board
e) Zoning Analysis Table	l) Landscape Plan for Council Permits
f) Project Rationale including proposed uses, density, and a description of proposed alterations, rehabilitation, and /or restoration of the heritage asset	p) Information about historical significance of the property
g) Photographs including photographs of each elevation of the property	

- b) Other information that will assist in the evaluation of the application may be requested by the Department Manager, Development Planning to adequately make a recommendation to Council regarding a Heritage Alteration Permit application.

2.2. Processing Procedure

A Council Heritage Alteration Permit application submitted in accordance with this bylaw will be processed as follows:

- a) Upon receipt of an application package submitted to the City in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.
- b) Development Planning will review the application for completeness. If the application is incomplete, staff will request the required information from the applicant. Staff will only process the file when the application package is complete.
- c) Development Planning will refer the application to all relevant City departments, as well as applicable government and external agencies.
- d) Development Planning will evaluate the proposal for compliance with relevant City bylaws and policies. Where applicable, a staff design review will consider the merits of the proposal.
- e) If the Heritage Alteration Permit requires one or more variances, the applicant will complete public notification and consultation as required by Section 4 of this bylaw.
- f) Development Planning will prepare a staff report and refer the application to any relevant Council Committee(s). The applicant is encouraged to attend any Council committee meeting(s) at which the application is being considered. The Council committee will provide a recommendation to Development Planning staff.
- g) Upon receipt of the recommendation of the Council committee and comments from other referral agencies, Development Planning will prepare a staff report and draft Heritage Alteration Permit for consideration by Council. The applicant is encouraged to attend the Council meeting at which the application is being considered.
- h) The Office of the City Clerk will notify the applicant in writing of the decision of Council.
- i) If authorized for issuance by Council, Development Planning staff will prepare the required Heritage Alteration Permit and related schedules for signature and obtain the required security, pursuant to Section 2.9 of this bylaw.
- j) Upon sign-off of the Heritage Alteration Permit by the Department Manager, Development Planning and receipt of the required security, the Heritage Alteration Permit will be issued.

Schedule '14' – Kelowna Heritage Register Applications

1.0 Processing Procedure

- 1.1.** The registered owner of real property within the City of Kelowna, or an agent authorized in writing, may submit a written request to add a building(s) to or remove a building(s) from the Kelowna Heritage Register pursuant to Section 598 of the Local Government Act.
- 1.2.** Written requests will be reviewed by the Policy & Planning Department on an annual basis, unless special circumstances require otherwise at the discretion of the Policy & Planning Department Manager.
- 1.3.** The Policy & Planning Department will compile background information on the subject building(s) and the request and information will be forwarded to the Heritage Advisory Committee for review.
- 1.4.** The Heritage Advisory Committee will evaluate the historical, architectural and contextual qualities of the subject building(s) and prepare a recommendation regarding the request.
- 1.5.** The recommendation of the Heritage Advisory Committee will be forwarded to Council for consideration.
- 1.6.** Upon receipt of the recommendation of the Council, the Policy & Planning Department will prepare a staff report for consideration by Council. The applicant is encouraged to attend the Council meeting at which the application is being considered.
- 1.7.** Within 30 days of Council's decision, the Office of the City Clerk will notify the applicant in writing of Council's decision and will give written notice to the Heritage Minister in accordance with Local Government Act section 595.

Schedule '15' – Early Consideration Applications

This Schedule describes the process applicants must follow for Early Consideration applications, including application requirements and processing procedures. Following the steps outlined below does not grant a right to development approval.

Early Consideration of an application is limited to those projects with a scope and that does not meet current policy and objectives of pertinent bylaws. This is not intended to be a means for applications to circumvent standard application processes as outlined in this bylaw.

1.0 APPLICATION REQUIREMENTS

1.1. Submission of a complete application in accordance with Schedules '1', '2' and '3' of this bylaw.

2.0 PROCESSING PROCEDURES

An Early Consideration application submitted in accordance with this bylaw will be processed as follows:

- a) Upon receipt of an application package submitted to the City in accordance with the requirements of this bylaw, Development Planning may bring forward a report to Council at the discretion of the Department Manager, Development Planning.
- b) Development Planning will evaluate the proposal for compliance with relevant City bylaws, policies and one or more of the following general criteria:
 - i. The creation of 250 or more new dwelling units;
 - ii. Involves a major change to the Future Land Use class (including, but not limited to, Residential to Commercial, Commercial to Industrial, Resource Protection to Residential) of the applicable parcels(s) or portions thereof;
 - iii. Involves a change of two (2) increments within a Future Land Use class (including, but not limited to, Single / Two Unit Residential to Multiple Unit Residential (Medium Density)).
 - iv. Involves a major change in land use intensity (including, but not limited to, local to urban centre commercial, or business to heavy industrial).
 - v. The creation of a Comprehensive Development zone; or
 - vi. The project is not considered to meet relevant City bylaws or policies.
- c) Development Planning will prepare a staff report and refer the application to any relevant Council committee(s). The applicant is encouraged to attend any Council committee meeting(s) at which the application is being considered. The Council committee will provide a recommendation to Development Planning staff.
- d) Development Planning will prepare a staff report for consideration by Council. The applicant is encouraged to attend the Council meeting(s) at which the application will be considered.
- e) If Council decides to proceed with the application, the application will proceed as outlined in Schedule '2' or '3' of this bylaw. Council may alternatively decide to refer, table or deny the application.

Read a first time by the Municipal Council this

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk