

TA23-0004 Schedule A – Proposed Text Amendments

Content Changes to Development Application and Heritage Procedures Bylaw No. 12310

No.	Section	Current Wording	Proposed Wording	Reason for Change
1.	Section 2.3 – Delegation of Authority	n/a	<p>2.3.7 Development Variance Permits</p> <p>a) The powers of Council under Section 498.1 – Delegation of power to issue Development Variance Permits of the <i>Local Government Act</i> to issue, refuse and amend Development Variance Permits, subject to restrictions identified in Schedule '4' of this bylaw. This includes the powers of Council to require that the applicant provide security for the purposes of Section 502 of the <i>Local Government Act</i>, to establish the conditions of the permit, and to determine whether such requirements and conditions have been met.</p>	Added section to establish authority within the bylaw for delegating minor variances to the Department Manager, Development Planning.
2.	Schedule '4' – Development Variance Permit Applications	See Chart A	See Chart B	Added sections defining minor variances and adding guidelines the delegate must consider in deciding whether to issue a Development Variance Permit or to forward the Variance to Council.

No.	Section	Current Wording	Proposed Wording	Reason for Change
3.	Section 40 Public Notification and Consultation	See Chart C	See Chart D	Amend the Public Notification and Consultation section to exempt minor Development Variance Permits from requiring to post a sign on the subject property.
The next section highlights more administrative, formatting, and language improvement changes.				
4.	Section 1.3 Definitions	'Official Community Plan' or 'OCP' means Kelowna 2030 Official Community Plan Bylaw No. 10500, as amended or replaced from time to time;	'Official Community Plan' or 'OCP' means Kelowna 2040 Official Community Plan Bylaw No. <u>12300</u> , as amended or replaced from time to time;	Update language to match current bylaw numbers.
5.	Section 1.3 Definitions	'Zoning Bylaw' means City of Kelowna Zoning Bylaw No. 8000, as amended or replaced from time to time.	'Zoning Bylaw' means City of Kelowna Zoning Bylaw No. <u>12375</u> , as amended or replaced from time to time.	Update language to match current bylaw numbers.
6.	Section 2.9.3 f) i. Conditions of Security	"The The restoration works will be considered..."	"The restoration works will be considered..."	Spelling and grammar fix.

No.	Section	Current Wording	Proposed Wording	Reason for Change
7.	Schedule '1' – Application Requirements l) Landscape plan	"Pre-development inventory completed by a Qualified Professional of all trees located on the property including, trees with overhanging branches or root systems, invasive species, fruit trees, cultivated trees, basic description, trunk diameter, and location"	"Pre-development inventory completed by a Qualified Professional of all trees located on <u>and off the property with overhanging branches or root systems, with a basic description of species, trunk diameter and location, highlighting invasive species, fruit trees, and cultivated trees.</u> "	Clarified intent of language.
8.	Schedule '1' – Application Requirements m) Environmental Assessment Report	"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."	"Environmental Assessment Report – prepared <u>as per the City of Kelowna Environmental Assessment Terms of Reference</u> , 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."	Added clarity that the City of Kelowna Terms of Reference needs to be used.
9.	Schedule '2' - 1.1 Application Requirements	f) Project Rationale h) Site Plan i) Floor Plan (if available) j) Elevation Drawings (if available) l) Conceptual Landscape Plan	f) Project Rationale g) Site Plan h) Floor Plan (if available) j) Elevation Drawings (if available) j) Landscape Plan	Update language to align with defined terms identified within Section 1.3 Definitions and re-alphabetize the bullet list to follow the proper ordering sequence.
10.	Schedule '3' - 1.1.2 Application Requirements for Direct Farm Protection Development Permit	h) Site Plan j) Elevation Drawings l) Landscape Plan	h) Site Plan j) Elevation Drawings j) Landscape Plan	Re-alphabetize the bullet list to follow the proper ordering sequence.

No.	Section	Current Wording	Proposed Wording	Reason for Change
11.	Schedule '3' - 1.2.1 Application Requirements for Council Form and Character Development Permit	k) Materials Board l) Council Landscape Plan	k) Materials Board l) Landscape Plan	Update language to align with defined terms identified within Section 1.3 Definitions.
12.	Schedule '3' - 1.2.1 Application Requirements for Council Farm Protection Development Permit	j) Elevation Drawings l) Council Landscape Plan	j) Elevation Drawings j) Landscape Plan	Update language to align with defined terms identified within Section 1.3 Definitions and re-alphabetize the bullet list to follow the proper ordering sequence.
13.	Schedule '3' - 2.2.1 Application Requirements for Minor Direct Hazardous Conditions Development Permit	g) Photographs h) Site Plan	g) Photographs h) Site Plan <u>i) Geotechnical letter (if applicable)</u>	Clarify geotechnical information is necessary when applicable.
14.	Schedule '3' - 2.3.1 Application Requirements for Major Direct Hazardous Conditions Development Permit	g) Photographs h) Site Plan	g) Photographs h) Site Plan <u>i) Geotechnical Assessment</u>	Clarify geotechnical information is necessary with this application type.

No.	Section	Current Wording	Proposed Wording	Reason for Change
15.	Schedule '3' - 2.4.1 Application Requirements for Council Hazardous Conditions Development Permit	g) Photographs h) Site Plan	g) Photographs h) Site Plan <u>i) Geotechnical Assessment</u>	Clarify geotechnical information is necessary with this application type.
16.	Schedule '5' - 1.1 Application Requirements for Temporary Use Permit Applications	f) Application Form g) State of Title h) Owner's Authorization Form (if applicable) i) Site Profile (if applicable) j) Zoning Analysis Table p) Project Rationale k) Photographs l) Site Plan m) Floor Plan n) Elevation Drawings o) Landscape Plan (if applicable)	<u>a)</u> Application Form <u>b)</u> State of Title <u>c)</u> Owner's Authorization Form (if applicable) <u>d)</u> Site Profile (if applicable) <u>e)</u> Zoning Analysis Table <u>f)</u> Project Rationale <u>g)</u> Photographs <u>h)</u> Site Plan <u>i)</u> Floor Plan <u>j)</u> Elevation Drawings <u>k)</u> Landscape Plan (if applicable)	Re-alphabetize the bullet list to follow the proper ordering sequence.
17.	Schedule '9' - 1.2 Application Requirements for Temporary Farm Worker Housing Permit Applications	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 i) Floor Plan j) Elevation Drawings l) Direct Landscape Plan	a) Application Form b) State of Title c) Owner's Authorization Form (if applicable) d) Site Profile (if applicable) <u>e)</u> Project Rationale <u>f)</u> Photographs <u>g)</u> Site Plan <u>h)</u> Floor Plan <u>i)</u> Elevation Drawings <u>j)</u> Landscape Plan	Update language to align with defined terms identified within Section 1.3 Definitions and re-alphabetize the bullet list to follow the proper ordering sequence.

No.	Section	Current Wording	Proposed Wording	Reason for Change
18.	Schedule 'g' - 2.1.1 Application Requirements for Temporary Farm Worker Housing Permit Major (Council)	a) Application Form b) State of Title c) Owner's Authorization Form (if applicable) d) Site Profile (if applicable) h) Project Rationale g) Photographs h) Site Plan i) Floor Plan j) Elevation Drawings l) Landscape Plan	a) Application Form b) State of Title c) Owner's Authorization Form (if applicable) d) Site Profile (if applicable) e) Project Rationale f) Photographs g) Site Plan h) Floor Plan i) Elevation Drawings j) Landscape Plan	Re-alphabetize the bullet list to follow the proper ordering sequence.
19.	Schedule '10' - 1.1 Application Requirements for Heritage Revitalization Agreement Applications	k) Materials Board l) Landscape Plan (if applicable) p) Information about historical significance of the property	k) Materials Board l) Landscape Plan (if applicable) <u>m</u>) Information about historical significance of the property	Re-alphabetize the bullet list to follow the proper ordering sequence.
20.	Schedule '11' - 1.1 Application Requirements for Heritage Designation Bylaw Applications	k) Materials Board l) Landscape Plan (if applicable) p) Information about historical significance of the property	k) Materials Board l) Landscape Plan (if applicable) <u>m</u>) Information about historical significance of the property	Re-alphabetize the bullet list to follow the proper ordering sequence.
21.	Schedule '12' - 1.1 Application Requirements for Heritage Conservation Covenant Applications	k) Materials Board l) Landscape Plan p) Information about historical significance of the property	k) Materials Board l) Landscape Plan <u>m</u>) Information about historical significance of the property	Re-alphabetize the bullet list to follow the proper ordering sequence.

No.	Section	Current Wording	Proposed Wording	Reason for Change
22.	Schedule '13' - 1.2 Application Requirements for Heritage Alteration Permits (Direct)	k) Materials Board l) Landscape Plan for Direct Permits p) Information about historical significance of the property	k) Materials Board l) Landscape Plan <u>m</u>) Information about historical significance of the property	Update language to align with defined terms identified within Section 1.3 Definitions and re-alphabetize the bullet list to follow the proper ordering sequence.
23.	Schedule '13' - 2.1 Application Requirements for Heritage Alteration Permits (Council)	k) Materials Board l) Landscape Plan for Council Permits p) Information about historical significance of the property	k) Materials Board l) Landscape Plan <u>m</u>) Information about historical significance of the property	Update language to align with defined terms identified within Section 1.3 Definitions and re-alphabetize the bullet list to follow the proper ordering sequence.

Chart A

Original – 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	f) Photographs
b) State of Title	g) Site Plan
c) Owner's Authorization Form (if applicable)	h) Floor Plan
d) Site Profile (if applicable)	i) Elevation Drawings
e) Zoning Analysis Table	l) 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).

Chart B

Proposed – 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 DEVELOPMENT VARIANCE PERMITS

1.1 Minor Development Variance Permits

1.1.1 Restriction on Delegation – Minor Criteria

As a restriction on Section 2.3.7(a), only 'Minor' Development Variance Permits can be approved by the Department Manager, Development Planning. As required by Section 498.1(2)a of the Local Government Act, the criteria for determining whether a proposed variance is minor is determined by the following:

1. Minor variances only apply to Zoning Bylaw No. 12375 (except Section 9 of Zoning Bylaw No. 12375) and not to other bylaws (such as the Sign Bylaw); AND
 - a. A Development Variance Permit application is submitted when an associated Form and Character Development Permit application is not required; OR
 - b. A Development Variance Permit application is submitted for any commercial or industrial development in which the authority for the Form and Character Development Permit has been delegated to the Department Manager, Development Planning; OR
 - c. A Heritage Alteration Permit application is submitted with variances in which the authority for the Heritage Alteration Permit has been delegated to the Department Manager, Development Planning.

1.1.2 Restriction on Delegation – Guidelines

As required by Section 498.1(2)b of the Local Government Act, the guidelines the delegate must consider in deciding whether to issue a Development Variance Permit is determined by the following:

1. Scope and scale of variances.
 - a. For example, if a significant parking variance is proposed then the delegate could deny the permit and the applicant can apply to have the permit reconsidered by Council.
2. Use and enjoyment of neighbouring lands.
 - a. A variance could negatively impact or affect adjacent buildings and uses. For example, a setback variance that would result in a primary window of neighbouring property staring at a large blank wall, then the delegate could deny the permit and the applicant can apply to have the permit reconsidered by Council.
3. Effects on the natural environment.
 - a. For example, if a variance would have a detrimental effect on the environment as determined through the Natural Environment Development Permit approval process, then the delegate could deny the permit and the applicant can apply to have the permit reconsidered by Council.

4. Appropriateness of the development.
 - a. A variance could decrease the appropriateness of the development if certain Official Community Plan policies and guidelines were not followed due to the variance. For example, if a setback variance increases the area of the home within a 30% steep slope area, then this would decrease the appropriateness of the development and then the delegate could deny the permit and the applicant can apply to have the permit reconsidered by Council.
5. Intent of the Zoning Bylaw
 - a. A variance could undermine the purpose of a regulation. For example, the purpose of the 70% maximum upper floor area limit on carriage houses relative to the carriage house footprint is to prevent carriage house 'box' designs and a variance to this regulation could undermine the purpose of this regulation. Then the delegate could deny the permit and the applicant can apply to have the permit reconsidered by Council.
6. Public interest in variances
 - a. For example, if a variance triggers a significant public response to the Development Planning Department Manager during the public consultation period, then the delegate could deny the permit and the applicant can apply to have the permit reconsidered by Council.

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 '4', Section 1.2 – Development Variance Permits, below.

1.1.3 Application Requirements

- a) 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	k) Landscape Plan (if applicable)
f) Project Rationale	

- 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 Variance Permit application.

1.1.4 Processing Procedure

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

- j) 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.

- k) 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.
- l) Development Planning will refer the application to all relevant City departments, as well as applicable government and external agencies.
- m) Development Planning will evaluate the proposal for compliance with relevant City bylaws and policies.
- n) Relevant referral agency comments will be considered by the Department Manager, Development Planning.
- o) Development Planning will notify the applicant in writing of the decision of the Department Manager, Development Planning.
- p) 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.
- q) 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 Development Variance Permits

1.2.1 Application Requirements

- a) 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	k) Landscape Plan (if applicable)
f) Project Rationale	

- 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 Variance Permit application.

1.2.2 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.
- j) 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).

Chart C

Original – Section '4' Public Notification and Consultation

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.

Chart D

Proposed – Section '4' Public Notification and Consultation

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**.
- d) The obligation to give notice does not apply if the delegate exercises the power to issue the development variance permit, in accordance with Section 499 (1.1) of the *Local Government Act*.

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. **Minor Development Variance Permit**
 - iii. **Temporary Farm Worker Housing Permit**
 - iv. **Heritage Conservation Covenant**
 - v. **Kelowna Heritage Register**
 - vi. **Heritage Alteration Permit** with no variance(s)
 - vii. **OCP and Zoning Bylaw** amendment applications involving ten or more parcels owned by ten or more people
- b) Timing:
- i. 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.
 - ii. For all other applications that require a Council meeting, Development Notice Signs will be posted a minimum of ten days prior to the **Council** meeting at which the application is scheduled for consideration.
 - iii. 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** or of the Council meeting that requires a Development Notice Sign.
- 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** or the delegate. 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.