

CITY OF KELOWNA

Bylaw No. 12637

Amendment No. 4 to Development Application and Heritage Procedures Bylaw No. 12310

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the Development Application and Heritage Procedures Bylaw No. 12310 be amended as follows:

1. THAT **Section 1.0 Introduction** be amended by adding a period following the words "Bylaw No. 12310" in Section 1.0.1.
2. THAT **Section 1.0 Introduction, 1.2 Scope** be amended by
 - 2.1. Deleting the word "or" from Subsection 1.2.1 (j).
 - 2.2. Deleting the word "or" from Subsection 1.2.1 (k).
 - 2.3. Deleting the final period from Subsection 1.2.1 (l) and replacing with a semicolon, and adding "or" following the semicolon.
 - 2.4. Adding the following as Subsection 1.2.1 (m):

"m) For **Early Consideration** by Council."
3. THAT **Section 1.0 Introduction, 1.3 Definitions** be amended by
 - 3.1. Deleting in its entirety the term "Coordinating Hillside Development Professional".
 - 3.2. Amending "Development Application Fees Bylaw" by deleting "10560" and replacing with "12552".
 - 3.3. Amending "Divisional Director, Planning & Development Services" by deleting the defined term and replacing with "Divisional Director, Planning, Climate Action & Development Services".
 - 3.4. Amending "Land Use Contract" by deleting "current Land Use Contract which is being discharged as per Section 546 of the Local Government Act;".
 - 3.5. Adding after the definition of Minor Direct Development Permit and before the definition of Official Community Plan, the new term "'Multiple Unit Residential' means a site with three (3) or more residential dwelling units total;".
 - 3.6. Amending "Official Community Plan" by deleting "2030" and replacing with "2040 -".
 - 3.7. Adding after the definition of Temporary Use Permit and before the term Zoning Bylaw, the new term "'Sign Bylaw' means City of Kelowna Sign Bylaw No. 11530, as amended or replaced from time to time;".
4. THAT **Section 2.0 General Provisions, 2.2 Council Decisions** be amended by
 - 4.1. Deleting in its entirety Subsection 2.2.1 (a) ii. and replacing with

"ii. Forward the amending bylaw or bylaws to a **Public Hearing**, provided that a **Public Hearing** is permitted in accordance with section 464 of the *Local Government Act*."
 - 4.2. Deleting in its entirety Subsection 2.2.1 (b) and replacing with

"b) **Council** may consider final adoption of an amendment bylaw:

 - i. After three readings have been given; and
 - ii. 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.

4.3. Deleting in its entirety Subsection 2.2.6 (a) ii. and replacing with

“ii. Forward the bylaw or bylaws to a **Public Hearing**, provided that a **Public Hearing** is permitted in accordance with all relevant provisions of the *Local Government Act*;”

5. THAT **Section 2.0 General Provisions, 2.3 Delegation of Authority** be amended by

5.1. Deleting in its entirety Subsection 2.3.3 and replacing with

“2.3.3 Performance Security

The powers of Council under Sections 502 and 610(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; and the authority to execute all documents necessary to require security as a condition of issuance.”

5.2. Deleting in its entirety Subsection 2.3.5 and replacing with

“2.3.5 Development Permits

a) The powers of **Council** under Section 489 of the *Local Government Act* to issue and refuse **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) The powers of **Council** under Section 489 of the *Local Government Act* to issue amendments to **Development Permits**, limited to minor design modifications that:

- are generally consistent with the applicable Development Permit guidelines in the **OCP**; and
- do not require a **Development Variance Permit** that requires **Council** approval.”

5.3. Deleting in its entirety Subsection 2.3.6 (b) and replacing with

“b) Pursuant to Sections 590 and 617 of the *Local Government Act*, the **Department Manager, Development Planning** is authorized to exercise the powers and perform the duties of **Council** with respect to amendments to **Heritage Alteration Permits** that are limited to minor design modifications that:

- are generally consistent with the applicable Heritage Design Guidelines in the **OCP**; and
- do not require a variance that requires **Council** approval.”

5.4. Adding a period to the final sentence of Subsection 2.3.7 (a) following “met”.

6. THAT **Section 2.0 General Provisions, 2.4 Development Approval Information** be amended by deleting “day to day” from Subsection 2.4.2 (c) and replacing with “day-to-day”.

7. THAT **Section 2.0 General Provisions, 2.6 Plans Completed by a Registered Architect** be amended by adding “and sealed” to Subsection 2.6.1 after ‘completed’ and before ‘by a registered architect’.

8. THAT **Section 2.0 General Provisions, 2.7 Heritage Property Applications** be amended by deleting all instances of “**Divisional Director, Planning, & Development Services**” in Subsection 2.7.2 and replacing with “**Divisional Director, Planning, Climate Action & Development Services**”.

9. THAT **Section 2.0 General Provisions, 2.8 Hillside Development** be deleted in its entirety.

10. THAT **Section 2.0 General Provisions, 2.9 Performance Security** Subsection 2.9.3 (e) ii. be amended by deleting “will consider return of 90% of the security” and replace with “will consider return of up to 90% of the security”.

11. THAT **Section 2.0 General Provisions, 2.9 Performance Security** Subsection 2.9.3 (f) ii. be amended by deleting “one (1) year” and replacing with “two (2) years”.

12. THAT **Section 2.0 General Provisions, 2.11 Incomplete Applications** be deleted in its entirety and replaced with

“2.11 Incomplete Applications

If **Department Manager, Development Planning** determines that an application is incomplete, the applicant will be requested to provide the required information prior to the application being referred and circulated. If an applicant

does not provide the required information within three months of the request, the application and fee will be returned. Incomplete applications will not be referred and circulated until they have been deemed complete by the **Department Manager, Development Planning.**”

13. THAT **Section 2.0 General Provisions, 2.15 Enforcement** be amended by deleting “**Divisional Director, Planning, & Development Services**” from Subsection 2.15.1 and replacing with “**Divisional Director, Planning, Climate Action & Development Services**”.
14. THAT **Section 3.0 Application Fees, 3.1 Application Fee Requirement** be amended by deleting subsection 3.1.2 in its entirety.
15. THAT **Section 4.0 Public Notification and Consultation, 4.2 Public Notification** be amended by:
 - 15.1. Deleting in its entirety Subsection 4.2.1 (a)(ii) and replacing it with the following:

“ii. A scheduled **Council** meeting for considering first reading if a **Public Hearing** is not required or is prohibited;”
 - 15.2. Deleting in its entirety Subsection 4.2.2 (b) iii. and replacing it with

“iii. **Development Notice Signs** must remain in place until the conclusion of the **Public Hearing**, or until **Council** has considered the application as applicable, or the application has received first reading where a **Public Hearing** is not held. **Development Notice Signs** must be removed within seven (7) days of the conclusion of a **Public Hearing** or of the **Council meeting** that requires a **Development Notice Sign.**”
 - 15.3. Deleting in its entirety Subsection 4.2.2 (e) iii. and replacing it with

“iii. The date of the relevant **Public Hearing**, or **Council Meeting** at which the application is to be considered, or **Council Meeting** at which first reading will be considered; and
16. THAT **Schedule ‘1’ – Application Requirements** be amended by deleting the Schedule in its entirety and replacing with

“**Schedule ‘1’ – Application Requirements**”

The information listed below will be required for applications under this **bylaw** in accordance with Schedules ‘2’ to ‘15’ of this bylaw:

- Application Form
- 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.
- Owner’s Authorization Form
- **Site Profile** - in accordance with the Environmental Management Act.
- Zoning Analysis Table - illustrating how the proposal meets or deviates from **Zoning Bylaw** requirements.
- Project Rationale - explaining the project’s conformity with relevant **City** policies including **OCP** policies and, where applicable, **Development Permit** Guidelines.
- Photographs - of the **site** and surrounding context (e.g. neighbouring properties, on-**site** structures, important features, etc.) in colour and at a legible size.
- **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.)
 - EV ready parking stalls

- **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 **Multiple Unit Residential** 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
- Floor Plans - for each floor including basement and parking areas, 1:200 scale recommended, all units in metric, with north arrow, including:
 - Layout and dimensions of all parking stalls, drive aisles, accessible stalls
 - EV ready parking stalls
 - 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
 - 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 **Multiple Unit Residential** 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**
- For applications within the **Core Area Neighbourhood Designation**, also include a Streetscape Drawing that contains the following:
 - Front elevation of proposed building and adjacent buildings on each side
 - Projections, doors, windows, overhead doors
 - Roof slopes labelled
 - Property lines extend vertically
 - Existing and proposed grade
 - 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.)
 - **Landscape Plan**

Landscape Plan with drawings to scale, in metric units with north arrow, as per the requirements set by the **Department Manager, Development Planning** based on the **City of Kelowna Landscape Plan Terms of Reference**, which may include:

- Notation on all drawings: "Completed works must meet approved **development permit** drawings. Amendment application must be made for any alterations prior to works being completed."
- Outline of existing and proposed buildings(s)
- Parking layout and surface treatment
- Soft landscaping (trees, hedges, planting beds, vines, lawn, etc.), including vegetation within public road right-of-way
- Plant list of trees, shrubs, perennials and ground covers including quantities, botanical and common names, planting sized on centre spacing
- Hard landscaping (paving stone, brick, concrete, etc.) including materials within public road right-of-way
- Permeable paving, materials and details of proposed system/design
- Landscape structures (fences, trellis, arbours, retaining walls, lighting, etc.)
- Location and size of amenity areas, play areas, and private open space, if applicable
- Green roof or on-slab landscape areas including details of proprietary systems or custom design
- Where a **Landscape Plan** is required as a condition of a Natural Environmental **Development Permit**, the plan will be stamped and sealed by a **Qualified Professional**
- Bicycle parking / storage facility
- Irrigation layout plan
- Location and treatment of garbage enclosure (including materials and dimensions)
- Notation of any proposed boulevard trees and off-site landscaping
- Grading including all existing and proposed geodetic elevations, top and bottom of retaining walls and slopes, slope ratios
- Performance Security and preliminary construction cost estimate in accordance with Section 2.9 of this Bylaw

If the preliminary landscape construction estimate exceeds \$50,000.00 the **Landscape Plan** must be prepared by a Registered **Landscape Architect** and include the additional details:

- Letter of understanding; BC Society of **Landscape Architects** Schedule L is required at time of **Building Permit** Submission.
 - Notation on all drawings; "Landscape Construction Drawings and BCSLA Schedule L is required at time of **Building Permit** application. Must include a Water Conservation Report in accordance with Water Regulation Bylaw No. 10480 (as amended or replaced from time to time), including a Landscape Water Budget, a Hydrozone Plan and an Irrigation Plan prepared by a Certified Irrigation Designer"
 - Irrigation Hydrozone Plan drawing
 - All items noted above in Schedule 1 (l)"
- Pre-Development Tree Inventory
 - At the discretion of the **Department Manager, Development Planning**, a Pre-development inventory completed by a **Qualified Professional** may be required. If required, it shall include all trees located on 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 may be required
 - At the discretion of the **Department Manager, Development Planning**, a tree condition assessment completed by a **Qualified Professional** may be required describing tree health including estimated life span and impacts of the proposed development on tree viability
 - Existing trees and vegetated areas to be retained and to be removed overlain on a site plan drawing of the proposed development with Tree Protection Zones drawn to scale (zone size based on trunk diameter as per Bylaw No. 8041)
 - Environmental Assessment Report – prepared as per the **City** of Kelowna Environmental Assessment Terms of Reference, 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.

- 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.
- Environmental Monitoring Plan - prepared, signed and sealed by a **Qualified Professional**, including a cost estimate for all monitoring and associated works, that assures project construction activities both on-**site** and off-**site** (such as staging/disposal) comply with environmental provisions defined in authorizations and permits, applicable legislation, **City** environmental management guidelines and policies and industry best management practices. A monitoring schedule must be identified including regular submission of monitoring reports directly to the **City** of Kelowna. 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.
- 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.**”

17. THAT **Schedule ‘2’ – Applications to Amend an Official Community Plan Bylaw and/or a Zoning Bylaw** be amended by deleting the Schedule in its entirety and replacing with

“Schedule ‘2’ – Applications to Amend an Official Community Plan Bylaw and/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. For the purposes of processing applications, Text Amendments shall follow the same process as a Zoning Bylaw Amendment as per the *Local Government Act*. 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.

Application Form	Zoning Analysis Table
State of Title	Project Rationale
Owner’s Authorization Form	Photographs
Site Profile	Site 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, it will be processed in accordance with Section 2.10 Incomplete Applications of this bylaw.
- 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. **Department Manager, Development Planning** may require the application to be processed in accordance with Schedule '15' – Early Consideration Applications.
- 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) **Council** will consider the application in accordance with Section 2.2.1(a) of this bylaw regarding reading considerations and **Public Hearings**, as provided for in section 464 of the *Local Government Act*.
- i) 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.
- j) Following reading consideration, the Office of the **City Clerk** will notify the applicant in writing of **Council's** decision."

18. THAT **Schedule '3' – Development Permit Applications** be amended by

18.1. Deleting in its entirety Subsection 1.1.1 (b) and replacing with

"b) Form and Character **Development Permits** for **Multiple Unit Residential** of three (3) to six (6) units per site where:

- i. The proposed development is generally consistent with the applicable **Development Permit** guidelines in the **OCP**.

18.2. Deleting the tables appearing under Subsection 1.1.2 (a) titled "Direct Form and Character Development Permit" and "Direct Farm Protection Development Permit", and replacing with

Direct Form and Character Development Permit	Direct Farm Protection Development Permit
Application Form	Application Form
State of Title	State of Title
Owner's Authorization Form	Owner's Authorization Form
Site Profile (if applicable)	Site Profile (if applicable)
Zoning Analysis Table	Zoning Analysis Table
Project Rationale	Project Rationale
Photographs	Photographs
Site Plan	Site Plan
Floor Plan	Elevation Drawings
Elevation Drawings	Landscape Plan
Streetscape Drawing	
Materials Board	
Landscape Plan	

18.3. Deleting "A" and replacing with "An" in Subsection 1.2.2.

18.4. Deleting in its entirety Subsection 1.1.3 (b) and replacing with

"b) **Development Planning** will review the application for completeness. If the application is incomplete, it will be processed in accordance with Section 2.10 Incomplete Applications of this bylaw."

- 18.5. Deleting the tables appearing under Subsection 1.2.1 (a) titled "Direct Form and Character Development Permit" and "Direct Farm Protection Development Permit", and replacing with

Council Form and Character Development Permit
Application Form
State of Title
Owner's Authorization Form
Site Profile (if applicable)
Zoning Analysis Table
Project Rationale
Photographs
Site Plan
Floor Plan
Elevation Drawings
Materials Board
Landscape Plan

Council Farm Protection Development Permit
Application Form
State of Title
Owner's Authorization Form
Site Profile (if applicable)
Zoning Analysis Table
Project Rationale
Photographs
Site Plan
Elevation Drawings
Landscape Plan

- 18.6. Deleting in its entirety Subsection 1.2.2 (b) and replacing with

"b) **Development Planning** will review the application for completeness. If the application is incomplete, it will be processed in accordance with Section 2.10 Incomplete Applications of this bylaw."

- 18.7. Deleting in its entirety Subsection 1.2.2 (d) and replacing with

"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. **Department Manager, Development Planning** may require the application to be processed in accordance with Schedule '15' – Early Consideration Applications."

- 18.8. Deleting the tables appearing under Subsection 2.2.1 (a) titled "Minor Direct Natural Environment Development Permit" and "Minor Direct Hazardous Conditions Development Permit", and replacing with

Minor Direct Natural Environment Development Permit
Application Form
State of Title
Owner's Authorization Form (if applicable)
Site Profile
Project Rationale
Photographs
Site Plan
Environmental Monitoring Plan

Minor Direct Hazardous Conditions Development Permit
Application Form
State of Title
Owner's Authorization Form (if applicable)
Site Profile (if applicable)
Project Rationale
Photographs
Site Plan
Geotechnical Letter (if applicable)

- 18.9. Adding the following new sentence to Subsection 2.2.2 (b) following the existing text: "If the application is incomplete, it will be processed in accordance with Section 2.10 Incomplete Applications of this bylaw."

- 18.10. Deleting the term "Divisional Director, Planning & Development Services" from Subsection 2.2.2 (h) and replacing with "**Department Manager, Development Planning**".

- 18.11. Deleting the tables appearing under Subsection 2.3.1 (a) titled "Major Direct Natural Environment Development Permit" and "Major Direct Hazardous Conditions Development Permit", and replacing with

Major Direct Natural Environment Development Permit
Application Form
State of Title
Owner's Authorization Form (if applicable)
Site Profile
Project Rationale
Photographs
Site Plan
Environmental Assessment Report
Habitat Restoration Plan
Environmental Monitoring Plan
Grading Plan
Stormwater Management Plan
Erosion and Sediment Control Plan

Major Direct Hazardous Conditions Development Permit
Application Form
State of Title
Owner's Authorization Form (if applicable)
Site Profile (if applicable)
Project Rationale
Photographs
Site Plan
Geotechnical Assessment
Grading Plan
Stormwater Management Plan
Erosion and Sediment Control Plan

18.12. Deleting in its entirety Subsection 2.3.1 (d) and replacing with

"d) Additional Development Approval Information may be required by the **Department Manager, Development Planning** in accordance with Section 2.4 of this bylaw, such as a hydrogeological or wildfire hazard mitigation assessment to adequately evaluate, issue, and/or deny a **Development Permit** application."

18.13. Deleting in its entirety Subsection 2.3.2 (b) and replacing with

"b) **Development Planning** will review the application for completeness. If the application is incomplete, it will be processed in accordance with Section 2.10 Incomplete Applications of this bylaw."

18.14. Deleting the term "Divisional Director, Planning & Development Services" from Subsection 2.3.2 (h) and replacing with "**Department Manager, Development Planning**".

18.15. Deleting the tables appearing under Subsection 2.4.1 (a) titled "Council Natural Environment Development Permit" and "Council Hazardous Conditions Development Permit", and replacing with

Council Natural Environment Development Permit
Application Form
State of Title
Owner's Authorization Form
Site Profile
Project Rationale
Photographs
Site Plan
Environmental Assessment Report
Habitat Restoration Plan
Grading Plan
Stormwater Management Plan
Erosion and Sediment Control Plan

Council Hazardous Conditions Development Permit
Application Form
State of Title
Owner's Authorization Form
Site Profile (if applicable)
Project Rationale
Photographs
Site Plan
Geotechnical Assessment
Grading Plan
Stormwater Management Plan
Erosion and Sediment Control Plan

18.16. Deleting in its entirety Subsection 2.4.2 (b) and replacing with

"b) **Development Planning** will review the application for completeness. If the application is incomplete, it will be processed in accordance with Section 2.10 Incomplete Applications of this bylaw."

18.17. Deleting in its entirety Subsection 2.4.2 (d) and replacing with

"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. **Department Manager, Development Planning** may require the application to be processed in accordance with Schedule '15' – Early Consideration Applications."

19. THAT **Schedule '4' – Development Variance Permit Applications** be amended by

19.1. Adding "(Delegated)" to the title of **Section 1.1 Minor Development Variance Permits** following the existing text.

19.2. Deleting Subsection 1.1.1 (1) in its entirety and replacing with

"a) Minor variances include variances to the **Zoning Bylaw** (except Section 9 – Specific Use Regulations) and **Sign Bylaw** where:

- i. A **Development Permit** is not required;
- ii. A **Development Permit** has been delegated to the **Department Manager, Development Planning** in accordance with Schedule '3', Section 1.1.1 of this bylaw; or
- iii. A **Heritage Alteration Permit** has been delegated to the **Department Manager, Development Planning** in accordance with Schedule '13', Section 1.1 of this bylaw."

19.3. Deleting in its entirety Subsection 1.1.2 and replacing with:

"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:

a) Scope and scale of variances:

- i. 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**.

b) Use and enjoyment of neighbouring lands:

- i. 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**.

c) Effects on the natural environment:

- i. 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**.

d) Appropriateness of the development:

- i. 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**.

e) Intent of the **Zoning Bylaw** and **Sign Bylaw**:

- i. 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**.

f) Public interest in variances:

- i. For example, if a variance triggers a significant public response to the **Department Manager, Development Planning** during the public consultation period, then the delegate could deny the permit and the applicant can apply to have the permit reconsidered by **Council**. In addition, the delegate shall consider public voices that are typically underrepresented to serve the whole public interest."

19.4. Deleting in its entirety the table that appears following Subsection 1.1.3 (a) and replacing with

Application Form	Photographs
State of Title	Site Plan
Owner’s Authorization Form	Floor Plan
Site Profile (if applicable)	Elevation Drawings
Zoning Analysis Table	Landscape Plan (if applicable)
Project Rationale	Materials Board (if applicable)

19.5. Deleting in its entirety Subsection 1.1.4 (b) and replacing with

“b) **Development Planning** will review the application for completeness. If the application is incomplete, it will be processed in accordance with Section 2.10 Incomplete Applications of this bylaw.”

19.6. Adding the following new section as Subsection 1.1.4 (e) and renumbering all subsequent sections accordingly

“e) The applicant will complete public notification and consultation as required by Section 4 of this bylaw.”

19.7. Adding “(Council)” to the title of Section 1.2 following the existing text.

19.8. Deleting in its entirety the table that appears following Subsection 1.2.1 (a) and replacing with

Application Form	Photographs
State of Title	Site Plan
Owner’s Authorization Form	Floor Plan
Site Profile (if applicable)	Elevation Drawings
Zoning Analysis Table	Landscape Plan (if applicable)
Project Rationale	

19.9. Deleting in its entirety Subsection 1.2.2 (b) and replacing with

“b) **Development Planning** will review the application for completeness. If the application is incomplete, it will be processed in accordance with Section 2.10 Incomplete Applications of this bylaw.”

20. THAT **Schedule ‘5’ – Temporary Use Permit Applications** be amended by

20.1. Deleting in its entirety the table that appears following Section 1.1 and replacing with

Application Form	Photographs
State of Title	Site Plan
Owner’s Authorization Form	Floor Plan
Site Profile (if applicable)	Elevation Drawings
Zoning Analysis Table	Landscape Plan (if applicable)
Project Rationale	

20.2. Deleting in its entirety Section 2.0 (b) and replacing with

“b) **Development Planning** will review the application for completeness. If the application is incomplete, it will be processed in accordance with Section 2.10 Incomplete Applications of this bylaw.”

21. THAT **Schedule ‘7’ – Agricultural Land Commission Act Applications** be amended by deleting in its entirety Section 2.0 (b) and replacing with

“b) **Development Planning** will review the application for completeness. If the application is incomplete, it will be processed in accordance with Section 2.10 Incomplete Applications of this bylaw.”

22. THAT **Schedule ‘8’ – Phased Development Agreement Applications** be amended by deleting in its entirety Section 2.0 (b) and replacing with

“b) **Development Planning** will review the application for completeness. If the application is incomplete, it will be processed in accordance with Section 2.10 Incomplete Applications of this bylaw.”

23. THAT **Schedule 'g' – Temporary Farm Worker Housing Permit Applications** be amended by
- 23.1. Deleting in its entirety the table that appears following Subsection 1.2.1 and replacing with

Application Form	Photographs
State of Title	Site Plan
Owner's Authorization Form	Floor Plan
Site Profile (if applicable)	Elevation Drawings
Project Rationale including total number of workers	Landscape Plan

- 23.2. Adding the following new sentence to Subsection 1.3 (b) following the existing text

"b) If the application is incomplete, it will be processed in accordance with Section 2.10 Incomplete Applications of this bylaw.

- 23.3. Deleting in its entirety the table that appears following Subsection 2.1.1 and replacing with

Application Form	Photographs
State of Title	Site Plan
Owner's Authorization Form	Floor Plan
Site Profile (if applicable)	Elevation Drawings
Project Rationale including total number of workers	Landscape Plan

- 23.4. Deleting in its entirety Section 2.2 (b) and replacing with

"b) **Development Planning** will review the application for completeness. If the application is incomplete, it will be processed in accordance with Section 2.10 Incomplete Applications of this bylaw.

- 23.5. Deleting in its entirety Section 2.2 (e).

24. THAT **Schedule '15' – Early Consideration Applications** be amended by

24.1. Deleting "1," following the word "Schedules" in Section 1.1

24.2. Deleting in their entirety Sections 2.0 (b) iii. and (b) iv.

25. THAT the term "**Divisional Director, Planning & Development Services**" be deleted and replaced with "**Divisional Director, Planning, Climate Action & Development Services**" throughout Section 1.3 Definitions, Section 2.7 Heritage Property Applications, and 2.15 Enforcement.

26. THAT all defined terms listed in Section 1.3.1 be bolded throughout the entire bylaw.

27. This bylaw may be cited as "Bylaw No. 12637, being Amendment No. 4 to Development Application and Heritage Procedures Bylaw No. 12310".

28. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk