

CITY OF KELOWNA

Bylaw No. 12764 Amendment No. 7 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 1.4 Definitions** is amended by **deleting** "Heritage Advisory Committee' means a committee established by Council to advise Council on heritage matters in accordance with the Committee's Terms of Reference;" in its entirety.
2. THAT **Section 2.2 Council Decisions, Section 2.2.6.c** is amended by **deleting** "2.2.5(b)" and **replacing** with "2.2.6(b)".
3. **Section 2.3 Delegation of Authority**
 - 3.1. THAT **Section 2.3.6.a** is amended by **deleting** in its entirety and **replacing** with the following:

"Pursuant to Sections 590 and 617 of the *Local Government Act*, Council delegates to the **Department Manager, Development Planning** the powers 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 include, without limitation, 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."
 - 3.2. THAT **Section 2.3.6.b** is amended by **deleting** in its entirety and **replacing** with the following:

"Pursuant to Sections 590 and 617 of the *Local Government Act*, Council delegates to the **Department Manager, Development Planning** the powers 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
 - pertain to a property that contains only residential uses and contains four (4) dwelling units or less."
4. THAT **Section 2.9 Performance Security, Section 2.9.1** is amended by **adding** "letter of indemnity issued by BC Housing Management Corporation," **after** "surety bond," and **before** "or an irrevocable letter of credit".
5. THAT **Schedule '1' – Application Requirements** is amended by
 - 5.1. **Deleting** "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."

And **replacing** with the following two new bullets:

"Heritage Review – prepared by a **Qualified Heritage Professional**, providing information about the historical significance and architectural merit of a property. A heritage review may be required in accordance with terms of reference outlined by the **Development Planning** Department, at the discretion of the **Department Manager, Development Planning**."

and

"Heritage Register Evaluation Criteria – prepared as per the **City** of Kelowna evaluation criteria document to be submitted by a **Qualified Heritage Professional**, for requested additions and removals from the Kelowna Heritage Register."
6. THAT **Schedule '4' – Development Variance Permit Applications** is amended by **deleting** Section 1.1.1.a.iii in its entirety.

7. **Schedule '10' – Heritage Revitalization Agreements Applications**

- 7.1. THAT **Section 1.1.m** is amended by **deleting** "Information about historical significance of the property" and **replacing** with "Heritage Review (if applicable)".
- 7.2. THAT **Section 2.o.b** is amended by **deleting** "staff will request the required information from the applicant." and **replacing** with "it will be processed in accordance with Section 2.11 Incomplete Applications.".

8. **Schedule '11' – Heritage Designation Bylaw Applications**

- 8.1. THAT **Section 1.1.m** is amended by **deleting** "Information about historical significance of the property" and **replacing** with "Heritage Review (if applicable)".
- 8.2. THAT **Section 2.o.b** is amended by **deleting** "staff will request the required information from the applicant." and **replacing** with "it will be processed in accordance with Section 2.11 Incomplete Applications.".

9. **Schedule '12' – Heritage Conservation Covenant Applications**

- 9.1. THAT **Section 1.1.m** is amended by **deleting** "Information about historical significance of the property" and **replacing** with "Heritage Review (if applicable)".
- 9.2. THAT **Section 2.o.b** is amended by **deleting** "staff will request the required information from the applicant." and **replacing** with "it will be processed in accordance with Section 2.11 Incomplete Applications.".

10. **Schedule '13' Heritage Alteration Permit Applications**

- 10.1. THAT **Section 1.1 Restriction on Delegation** is **deleted** in its entirety and **replaced** with the following:

"a) As a restriction on Section 2.3.6(a), the **Department Manager, Development Planning** may only issue a Heritage Alteration Permit if the following criteria are met:

- i. The application is for non-structural alterations including the replacement of windows, doors, roofing materials or minor/repair alterations of this nature; or
- ii. The application is for changes to the exterior finish 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 such as the addition or removal of site vegetation, or the relocation of required parking; or
- iv. The application is for construction, alteration, or demolition of a building or structure on a property within the Heritage Conservation Area provided that the property contains only residential uses and contains four (4) dwelling units or less.

b) At time of considering a Heritage Alteration Permit with a variance or more, the delegate must consider the following:

- i. Findings from a Heritage Review that identify distinctive heritage quality or appearance and associated recommendations from a Qualified Heritage Professional;
- ii. If the proposed variances are necessary to preserve or retain a building or heritage asset, or do not negatively impact the heritage character of the subject property or surrounding community; and
- iii. Schedule '4' – Development Variance Permit Applications, Section 1.1.2.".

- 10.2. THAT **Section 1.2.m** is amended by **deleting** "Information about historical significance of the property" and **replacing** with "Heritage Review (if applicable)".

- 10.3. THAT **Section 1.3.b** is amended by **deleting** "staff will request the required information from the applicant." and **replacing** with "it will be processed in accordance with Section 2.11 Incomplete Applications.".

- 10.4. THAT **Section 2.1.m** is amended by **deleting** "Information about historical significance of the property" and **replacing** with "Heritage Review (if applicable)".

- 10.5. THAT **Section 2.2.b** is amended by **deleting** "staff will request the required information from the applicant." and **replacing** with "it will be processed in accordance with Section 2.11 Incomplete Applications.".

11. THAT **Schedule '14' – Kelowna Heritage Register Applications** is **deleted** in its entirety and **replaced** with Schedule 'A' of this bylaw.

12. THAT the term "Policy & Planning Department Manager" is **deleted** and **replaced** with "Long Range Planning Department Manager" throughout the bylaw.
13. THAT the term "Direct" is **deleted** and **replaced** with "Delegated" throughout the bylaw, with the one exception that the term 'direct' remains unchanged in Schedule '5' – Temporary Use Permit Applications.
14. THAT SCHEDULE 'A' Kelowna Heritage Register Applications is attached to and forms part of this bylaw.
15. This bylaw may be cited as "Bylaw No. 12764, being Amendment No. 7 to Development Application and Heritage Procedures Bylaw No. 12310".
16. 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

SCHEDULE 'A'

Schedule '14' – Kelowna Heritage Register Applications

1.0 APPLICATION REQUIREMENTS

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

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| a) Application Form | h) Site Plan |
| b) State of Title | i) Floor Plan |
| c) Owners Authorization Form (if applicable) | j) Elevation Drawings |
| d) Site Profile (if applicable) | k) Materials Board |
| e) Zoning Analysis Table | l) Landscape Plan |
| f) Project Rationale including proposed uses, density, and a description of proposed alterations, rehabilitation, and /or restoration of the heritage asset | m) Heritage Review (if applicable) |
| g) Photographs including photographs of each elevation of the property | n) Heritage Register Evaluation Criteria |

- 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 Procedure

- 2.1. The registered owner of real property with the City of Kelowna, or an agent authorized in writing, may submit a written request to add a building or remove a building from the Kelowna Heritage Register pursuant to the Local Government Act.
- 2.2. A Heritage Register Evaluation Criteria prepared by a **Qualified Heritage Professional** will be reviewed by the Long Range Planning Department on an annual basis, unless special circumstances require otherwise at the discretion of the **Long Range Planning Department Manager**.
- 2.3. The recommendation of the **Qualified Heritage Professional as summarized in the Heritage Register Evaluation Criteria report** will be forwarded to Council for consideration.
- 2.4. Upon receipt of the recommendation, the Long Range 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.
- 2.5. 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.