

CONSOLIDATED

(Revised October 13, 2011)

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 944, 2002

A Bylaw to define procedures for applications to amend an Official Community Plan, Zoning Bylaw, Comprehensive General Bylaw, Land Use Contract, to prepare a Neighbourhood Plan or issuance or amendments of a Permit, or exemption under Part 26 of the Local Government Act.

Bylaw
944-4

1.0 Title

This bylaw may be cited as the "Development Applications Procedures Bylaw No. 944, 2002.

2.0 Definitions

"Owner" means as defined in the Local Government Act as amended from time to time.

"Regional Board" means the elected Regional Board of *Regional District of Central Okanagan*.

"Regional District" means the Regional District of Central Okanagan as described in its Letters Patent and amendments thereto but shall not include incorporated municipalities.

"Security Deposit" means an unconditional Irrevocable Letter of Credit, bank draft or cash drawn on a chartered bank in Canada valid for a period of one year and automatically renews thereafter.

3.0 Scope

This bylaw applies to:

3.1 An application for amendments to:

- a) Official Community Plan Bylaw;
- b) Zoning Bylaw;
- c) Comprehensive General Bylaw (Joe Rich Rural Land Use Bylaw);
- d) Land Use Contract Bylaw.

3.2 The issuance and amendment of:

- a) Development Permits;
- b) Development Variance Permits;
- c) Temporary Commercial and Industrial Use Permits;
- d) Floodplain Exemptions.

3.3 The preparation of a Neighbourhood Plan conducted by property owners or development proponents.

Bylaw
944-4

4.0 Procedure for Amendment of an Official Community Plan, Comprehensive General Bylaw (Joe Rich Rural Land Use Bylaw) or Zoning Bylaw

4.1 An application for an amendment of an Official Community Plan or Comprehensive General Bylaw or Zoning Bylaw must be made on the appropriate form approved and provided by the Planning Services Department of the Regional District, signed by the owner of the property(s) affected and shall be accompanied by the application fee outlined in Schedule "B".

4.2 The application shall include:

- a) Completed application form;
- b) Certificate of Title;
- c) Written explanation for the proposed amendment;
- d) A plan drawn to scale showing the proposed development;
- e) Applicants may be required to provide additional information as requested by the Director of Planning Services or Designee in order to evaluate the application.

4.3 Development Approval Information

The Director of Planning Services or Designee may require the applicant to provide development approval information pursuant to the Local Government Act. A report may be required from a qualified professional on the following with respect to a zoning amendment bylaw:

- a) Transportation patterns including traffic flow;
- b) Impact and assessment on local infrastructure;
- c) Assessment of capacity of public facilities including schools and parks;
- d) The natural environment of the area affected and;
- e) Impact or need for community services.

4.4 The Director of Planning Services or Designee may waive any requirement under Section 4.3 if in his opinion the information is not relevant to the application.

4.5 An applicant may appeal in writing the decision of the Director of Planning Services or Designee in regards to Development Approval Information to the Regional Board at no charge to the applicant.

4.6 Notice Requirements

- a) When an amendment requires public notification that notice shall comply with the Local Government Act as amended from time to time. Written notices shall be mailed to all registered property owners of land situated within 100 metres from that part of the area that is subject to the bylaw alteration and the notice shall be sent by the Regional District.

5.0 Land Use Contract Amendments

5.1 An application for an amendment of Land Use Contract must be made on the appropriate form approved and provided by the Planning Services Department of the Regional District, signed by the applicant of the property affected and shall be accompanied by the fee outlined in Schedule "B".

5.2 The application shall include:

- a) Completed Application form;
- b) Certificate of Title;
- c) Copy of the original Land Use Contract and all subsequent amendments;
- d) A plan drawn to scale showing proposed development;
- e) Applicants may be required to provide additional information as requested by the Director of Planning Services or Designee in order to evaluate the application.

5.3 The Director of Planning Services or Designee may:

- a) Authorize the drafting of a Development Permit to modify or vary the Land Use Contract pursuant to the Local Government Act, provided the development permit does not affect the permitted use or density of any parcel in the Land Use Contract, and submit the draft for the review and consideration of the Regional Board.
- b) Authorize the drafting of a Development Variance Permit to modify or vary the Land Use Contract pursuant to the Local Government Act, provided the variance does not affect the permitted use or density of any parcel in the Land Use Contract, and submit the draft for the review and consideration of the Regional Board.
- c) Authorize the drafting of a bylaw to modify or discharge the Land Use Contract and submit the bylaw for the review and consideration of the Regional Board.

5.4 Notice Requirements

- a) When an amendment requires public notification that notice shall comply with the Local Government Act as amended from time to time. Written notices shall be mailed to all registered property owners of land situated within 100 metres from that part of the area that is subject to the bylaw alteration and shall be sent by the Regional District.

6.0 Development Permit and Development Variance Permit Applications

6.1 An application for issuance or amendment of a Development Permit or Development Variance Permit must be made on the appropriate form approved and provided by the Planning Services Department of the Regional District, signed by the owner of the property(s) affected and shall be accompanied by the application fee outlined in Schedule "B".

- 6.2 The application shall include:
- a) Completed application form;
 - b) Certificate of Title;
 - c) Written explanation for the proposed amendment;
 - d) A plan drawn to scale showing the proposed development;
 - e) A landscape plan (for commercial, industrial or multiple family developments or development in an environmentally sensitive area);
 - f) Applicants may be required to provide additional information as requested by the Director of Planning Services or Designee in order to evaluate the application.

6.3 Development Approval Information

The Director of Planning Services or Designee may require the applicant to provide development approval information pursuant to the Local Government Act. Reports may be required from qualified professionals on the following with respect to a development permit:

- a) Building design;
 - b) Transportation patterns including traffic flow;
 - c) Impact and assessment on local infrastructure;
 - d) Assessment of capacity of public facilities including schools and parks;
 - e) The natural environment of the designated area;
 - f) Impact or need for community services.
 - g) Hazardous conditions affecting the designated area.
- 6.4 The Director of Planning Services or Designee may waive any requirement under Section 6.3 if in his opinion the information is not relevant to the application.

6.5 Notice Requirements

- a) When an amendment requires public notification that notice shall comply with the Local Government Act as amended from time to time. Written notices shall be mailed to all registered property owners of land situated within 100 metres from that part of the area that is subject to the bylaw alteration and the notice shall be sent by the Regional District.

6.6 Landscaping and/or Remedial Requirements

- a) When landscaping and/or remedial work is a condition of a Development Permit the applicant shall provide a security deposit in the amount of 125% of the estimated cost prior to issuance of the Development Permit. The applicant must submit one quote from a professional landscape company, which shall determine the estimated costs.
- b) The security deposit may be reduced as the works are completed.
- c) All landscaping and/or remedial work must be completed within one year from issuance of the Development Permit. Should this not occur the Regional District may cash the security deposit and complete the works.
- d) When substantial completion of the works has been certified by the consultant of record, the Regional District will withhold 10% of the security deposit as a maintenance bond. Maintenance bonds will be held to ensure that the required landscaping and/or remedial work has been fully implemented and demonstrated to function (ecologically or as designed).
- e) Remedial Maintenance Bonds will be retained for a **two (2) year period**.

Bylaw
944-4

- f) Any changes to the landscaping plan must be approved by the Director of Planning Services or Designee.
- g) Applicants may be required to provide additional information as requested by the Director of Planning Services or Designee in order to evaluate the application.

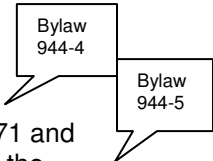
6.7 Delegation of Development Permit Approval Authority

- a) The Director of Planning Services or Designee is hereby authorized to exercise the powers and perform the duties of the Regional Board in respect to the issuance of development permits only under the conditions noted below:
 - i) Town Centre Commercial Development Permit areas identified in the Official Community Plans where:
 - The proposed development is not directly adjacent to or abutting residential development;
 - The application is consistent with the Official Community Plan and development permit guidelines;
 - The proposed development does not contain apartment housing or congregate housing;
 - No development variances are requested.
 - ii) Resort Commercial, General Commercial, Urban Village, General Tourist, Highway Commercial, Neighbourhood Commercial and Industrial Development Permit areas where:
 - The proposed development is not directly adjacent to or abutting residential development;
 - The application is consistent with the Official Community Plan and development permit guidelines;
 - The proposed development does not contain apartment housing or congregate housing;
 - No development variances are requested.
 - iii) Natural Environmental/Hazardous Conditions Development Permit Areas where:
 - The applicant has provided a report prepared and signed by a qualified professional as described in the Development Permit Guidelines addressing the protection of the natural environment or protection of development from hazardous conditions. The report must address the Development Permit Guidelines and any other requirements of affected Provincial and/or Federal agencies, and recommendations of Regional District staff.
 - iv) Renewal or extension of Development Permits that have been issued provided:
 - The term of authorization for issuance of the Development Permit does not exceed 12 months from the original authorization date;
 - The renewal or extension does not exceed 12 months.
 - v) Amendments to authorized Development Permits that have been issued provided:
 - The changes are minor in nature regarding landscaping or form and character issues;
 - The development is not abutting residential development.

- b) i) The Director of Planning Services or Designee may authorize and approve the permit, authorize and approve the permit as amended, reject, or refuse the Development Permit under the conditions established.
- ii) The application will be reviewed by the Director of Planning Services or Designee who will report to the Administrator on any permit that is issued.
- iii) All applications will be reviewed and decided upon at a set time and place as per the notice provisions outlined in this section.
- iv) If a Development Permit is rejected or the applicant is not satisfied with the Director of Planning Services or Designee decision, the Regional Board may reconsider the application.

7.0 Floodplain Exemptions

7.1 The Regional Board considers Floodplain exemptions provisions of Zoning Bylaw No. 871 and Joe Rich Rural Land Use Bylaw No. 730. A Request for an exemption must be made on the appropriate form approved and provided by the Planning Services Department of the Regional District, signed by the owner of the property(s) affected and shall be accompanied by the processing fee outlined in Schedule 'B'.



7.2 The application shall include:

- a) Completed application form and fee;
- b) Copy of Certificate of Title;
- c) Written explanation for the proposed exemption;
- d) A plan drawn to scale showing the proposed development.

7.3 Supportive Information

The Director of Planning Services or Designee may require the applicant to provide additional information pursuant to the Local Government Act including a technical report which is certified by a professional engineer or geoscientist experienced in geotechnical engineering stating that the land may be used safely for its intended use.



7.4 Processing Applications

All Floodplain exemptions shall be reviewed and processed by the Director of Planning Services or Designee and a report forwarded to the Regional Board.

8.0 **Temporary Commercial and Industrial Use Permits**

- 8.1 An application for a Temporary Commercial/Industrial Use Permit must be made on the appropriate form approved and provided by the Planning Services Department of the Regional District, signed by the applicant and shall be accompanied by the application fee outlined in Schedule "B".
- 8.2 The application shall include:
- a) Completed application form;
 - b) Certificate of Title;
 - c) Written explanation for the proposed amendment;
 - d) A plan drawn to scale showing the proposed development;
 - e) Applicants may be required to provide additional information as requested by the Director of Planning Services or Designee in order to evaluate the application.

8.3 **Development Approval Information**

The Director of Planning Services or Designee may require the applicant to provide development approval information pursuant to the Local Government Act. A report may be required from a qualified professional on the following with respect to a Temporary Commercial or Temporary Industrial Use Permit:

- a) Transportation patterns including traffic flow;
 - b) Impact and assessment on local infrastructure;
 - c) Assessment of capacity of public facilities including schools and parks;
 - d) The natural environment of the area affected and;
 - e) Impact or need for community services.
 - f) Hours of operation for the temporary use.
- 8.4 The Director of Planning Services or Designee may waive any requirement under Section 7.3 if in his opinion the information is not relevant to the application.
- 8.5 An applicant may appeal in writing the decision of the Director of Planning Services or Designee in regards to development approval information to the Regional Board at no charge to the applicant.

8.6 **Notice requirements**

- a) When an amendment requires public notification that notice shall comply with the Local Government Act as amended from time to time. Written notices shall be mailed to all registered property owners of land situated within 100 metres or 500 metres (if in the Joe Rich Rural Land Use Bylaw No. 730 area) from that part of the area that is subject to the bylaw alteration and the notice shall be sent by the Regional District.

9.0 **Procedure for Preparation of a Neighbourhood Plan**

- 9.1 The following procedures apply when property owners or development proponents conduct a neighbourhood plan by commissioning a consulting firm(s) to prepare a plan in consultation with the Regional District and interested parties.
- 9.2 Upon written request of the development proponent, the Director of Planning Services or Designee will provide property owners with draft Terms of Reference for the neighbourhood plan. The plan area and objectives shall be as outlined in the Official Community Plan or as authorized by resolution of the Board.

- 9.3 Upon acceptance of the Terms of Reference and submission of the fee outlined in Schedule "B", the Director of Planning Services or Designee shall:
- a) Notify the Regional Board and notify registered property owners within the Neighbourhood Plan area of the proponents request to undertake a neighbourhood plan and the Terms of Reference for the Plan;
 - b) Assign staff resources and/or independent consultant resources to liaise with the planning consultant team, to coordinate referral and input from provincial and other community agencies, and to attend and participate in public information meetings conducted by the consultant team.

10.0 Advisory Planning Commission Review

The Director of Planning Services or Designee shall forward applications to the affected Advisory Planning Commissions as per "Bylaw 943, 2002". The recommendations of the Advisory Planning Commission shall be contained in a report to the Regional Board, Director of Planning Services or Designee.

11.0 Notice of Application Signs

- 11.1 Applications submitted that pertain to property under Sections 4.0, 5.0, 6.0 and 8.0, except Development Permits in which approval authority is delegated in accordance with Section 6.7, require a development notice sign to be posted on the subject property in accordance with Schedule "A". The signs must be erected a minimum of 10 days prior to the Regional Board meeting at which the applicant's permit or amendment bylaw is being considered by the Regional Board or the Director of Planning Services or the Designee.
- 11.2 If the notice is not posted as per Section 9.1 and Schedule "A", Regional Board, Director of Planning Services or the Designee's consideration of the application will be postponed. Any costs associated with the postponements will be borne by the applicant.
- 11.3 All Notice of Application Signs must remain in place until the issuance of a permit or public hearing. All signs must be removed by the applicant within 7 days of the conclusion of issuance of the permit or public hearing.
- 11.4 The preparation and posting of the Notice of Application sign is the responsibility of the applicant and must be undertaken to the specifications of this bylaw.
- The applicant will ensure that a mockup sign be forwarded to RDCO staff for review and approval prior to final printing.

Bylaw
944-4

12.0 Lapse of Application

- 12.1 Applications accepted under Sections 4.0, 5.0, 6.0 and 8.0 by the Planning Services Department that have not been approved or rejected within twelve (12) months after the application date or Regional Board review will be of no force and effect. In order to proceed, a new application will be required.
- a) Upon written request by the applicant prior to the lapse of the application, the Regional Board has the option of extending the deadline by six (6) months by passing a resolution to that affect.

13.0 Re-application

- 13.1 Subject to the Local Government Act, if the Regional Board, Director of Planning Services or the Designee has refused an application under Sections 4.0, 5.0, 6.0 and 8.0 the Regional Board

shall not re-consider an application for a period of six (6) months, by resolution of the Regional Board.

14.0 Enforcement (Penalty)

14.1 Violators shall be liable to the maximum penalty upon summary conviction under the Offense Act, plus the cost of prosecution, for each offense.

14.2 Ticketable offences under this bylaw and the fines therefore shall be those set out in the Municipal Ticket Information Bylaw.

READ A FIRST TIME this _____ day of _____

READ A SECOND TIME this _____ day of _____

READ A THIRD TIME this _____ day of _____

RECONSIDERED AND ADOPTED this _____ day of _____

Chairman

Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 944 read a third time by the Regional District of Central Okanagan the _____ day of _____.

Dated at Kelowna, this _____ day of _____

Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 944 which was reconsidered and Adopted by the Regional District of Central Okanagan on the _____ day of _____

Dated at Kelowna, this _____ day of _____

Director of Corporate Services

SCHEDULE "A" Posting of Notice of Application Signs

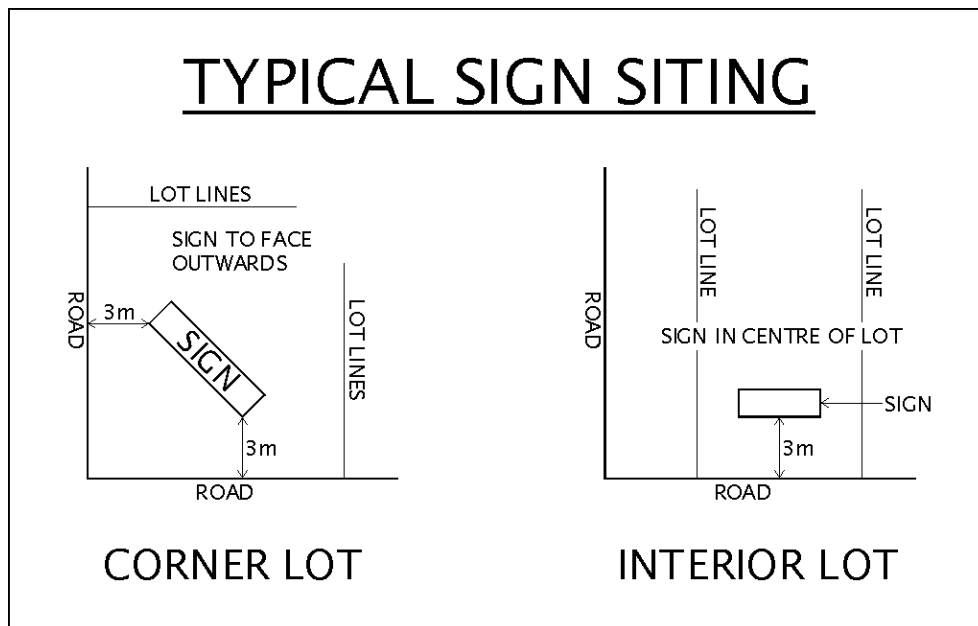
Any person making application(s) to amend an Official Community Plan Bylaw, Comprehensive General Bylaw, Zoning Bylaw, Land Use Contract Bylaw, for issuance or amendment for a Development Permit, Development Variance Permit or Temporary Commercial/Industrial Use Permit shall post a Development Notice Sign in accordance with the following.

Bylaw
944-4

The preparation and posting of the Notice of Application sign is the responsibility of the applicant and must be undertaken to the specifications of this bylaw.

1. Siting of Sign

All Notice of Application Signs shall be placed on the property at a setback of 3 metres from the front *property line*. The sign must face the street and be clearly visible. All proposed sign locations must be verified with the Planning Services Department.



2. Installation of Sign

The sign must be located so as not to interfere with pedestrian or vehicular traffic, or obstruct visibility from streets, lanes, walkways or driveways so as to create a hazard. The Development Notice Sign must be installed in a sound, workmanlike manner and must be capable of withstanding wind and weather.

3. Number of Signs

One Development Notice Sign shall be required for each 200 metres of street frontage, to a maximum of three signs.



NOTICE OF APPLICATION

8.5 cm (Red)

4.0 cm (Red)

THIS PROPERTY IS SUBJECT TO AN
APPLICATION FOR _____ <Application Type> 1.5cm (Red)
PURPOSE: _____ <Text> 1.5 cm (Red)

1.5 cm (Black)

APPLICANT: _____ <Applicant Name> 1.5cm (Red)

1.5 cm (Black)

FILE NO: _____ <File> 1.5 cm (Red)

1.5 cm (Black)

For more information please contact the

1.3 cm (Black)

PLANNING SERVICES DEPARTMENT OF THE
REGIONAL DISTRICT OF CENTRAL OKANAGAN

1.5 cm (Black)

1450 KLO Road
Kelowna, B.C. V1W 3Z4
Phone: (250) 469-6227
www.regionaldistrict.com

1.3 cm (Black)

DATE ISSUED: _____ <Date sign made> 1.5 cm (Red)

1.5 cm (Black)

1.21 m (48")

Sign Face Dimensions:

81.28 cm x 81.28 cm
(32" x 32") minimum

Sign Face Material:

White corrugated plastic

Sign Letter Material:

Any weather-proof, non-wearing material

**NOTIFICATION OF SIGN PLACEMENT
FOR
DEVELOPMENT APPLICATION**

Date	
Project Location	
Application No.	
Owner Name	

Place Photograph(s) of Posted Sign Here

The photograph(s) should clearly indicate:

- a) The sign placement; and
- b) The text on the sign(s)

I hereby certify that the sign(s) depicted in the above photograph(s) has been placed on the site of our application*

Owner's Signature

Date

* A change in intent may require you to amend your sign.

SCHEDULE "B"
Application Fee Schedule

1. Zoning Bylaw, Land Use Contract Bylaw, Comprehensive General Bylaw Amendments (Joe Rich Rural Land Use Bylaw), Comprehensive Development Zone, Text Amendments

a) Text amendment.....	\$1425.00	Bylaw 944-7
b) One or more potential additional residential parcels	\$2500.00	
c) All commercial, industrial, multiple family zones and Comprehensive Development Zone	\$3262.00	Bylaw 944-4
d) Zoning amendment for secondary suite.....	\$ 575.00	
e) Zoning amendment for secondary suite- Bylaw Enforcement	\$ 964.00	Bylaw 944-7
f) Discharge of a Land Use Contract	\$ 250.00	

2. Official Community Plan Amendment

a) As a stand alone amendment/text amendment.....	\$3262.00	Bylaw 944-7
b) In conjunction with another bylaw amendment (Zoning, LUC, CGB, CDZ).....	\$ 3262.00	

3. Development Permit (if a variance is included, an additional fee for the variance application must be added)

a) For a *Minor Development Permit (does not allow for a Variance)	\$ 150.00	Bylaw 944-7
* A Minor Development Permit will be defined as an instance where site disturbance is less than 50 sq.m. in area and where value of the work is less than \$50,000.		
b) For an Environmental/Hazardous Condition Development Permit	\$695.00 plus \$10. per lot.	Bylaw 944-4
c) For Environmental / Hazardous Condition Development Permit with Board Review	\$1386.00	
d) For a Commercial/Industrial Development Permit.....	\$1000.00	Bylaw 944-4
e) For a Multiple Family Development Permit	\$1500.00	

4. Development Variance Permit \$ 700.00 plus \$100.00 per Variance

5. Floodplain Exemption \$ 425.00

6. Board of Variance \$ 425.00

7. Temporary Use Permits \$ 1200.00

8. Liquor Licensing Applications or Referrals

a) For a Liquor-Primary License.....	\$1190.00	Bylaw 944-7
b) For a Temporary or Permanent Amendment to an existing License.....	\$ 750.00	
c) For a Winery License Endorsement.....	\$ 750.00	
d) For a Special Occasion License	\$ 100.00	
e) For a Special Occasion License requiring a Regional Board Resolution.....	\$ 500.00	

9. **Neighbourhood Plan**.....\$5000.00
 plus \$75.00 per hectare within the plan area to a maximum of \$25,000.00 total.

Additional cost to all applications

- i) **Application Renewal Fee (Extension Request)**\$150.00
- ii) **Application Amendments (Applicant Initiated)**
 Major Amendments Requiring Recirculation\$636.00
 Minor Amendments to Approved Development Permits\$100.00

Bylaw
944-7

Bylaw
944-7

- iii) **\$500.00 per Advertising and Re-Advertising**
 Most applications typically require statutory advertising under the Local Government Act. The cost of advertising and re-advertising is in addition to the Application Fee.

Bylaw
944-7

- iv) **\$25.00 per Additional Title**

Application fees include the cost of registering a development permit or development variance permit against one title. An additional cost of \$25.00 per title will be required for registration of such permits on any additional titles; prior to registering the permit on title.

- v) **Legal Fees**

Any additional Regional District legal costs which are required in the processing of any of the applications listed in this Application Fee Schedule will be borne by the applicant, including but not limited to the preparation and registration of restrictive covenants, Land Use Contract Amendments, etc.

SCHEDULE "C"
Refund of Application Fees

1. Official Community Plan, Zoning, Land Use Contract, Comprehensive General Bylaw Amendments (Joe Rich Rural Land Use Bylaw), Comprehensive Development Zone

Step in the process **% RDCO Fee Refund**

a) Prior to preparation of report to the Regional Board..... 50%

2. Development Permit, Development Variance Permit, Floodplain Exemption, Board of Variance

Step in the process

a) Prior to preparation of report to the Regional Board, Director of Planning Services or Designee 50%

Note: No refund provision applies to Minor Development Permits.

3. Temporary Commercial and Industrial Use Permit

Step in the process **% RDCO Fee Refund**

a) Prior to preparation of report to the Regional Board..... 50%

b) If the application is refused by the Regional Board 35%

4. Neighbourhood Plan

Step in the process

a) Prior to first public information meeting 50%

Bylaw
944-4

5. Full or Partial Refunds

In extenuating circumstances the Regional Board may consider refunds of up to 100% of an application fee.

Summary of Amendments

BYLAW NO.	DESCRIPTION OF AMENDMENTS	DATE OF ADOPTION
970 (944-1)	Amendments to Fees - Schedule B	March 11, 2002
944-2	Text and Fee Amendments	April 26, 2005
944-3	Text and Fee Amendments (Schedule 'B' and 'C')	September 12, 2005
944-4	Text and Fee Amendments	May 8, 2006
944-5	Text Amendment – Removal of Application form	November 20, 2006
944-7	Fee Amendment – Schedule 'B'	October 13, 2011

H:\PLANNING\6970-Planning_Reports\40-Procedures\944_Application\CONSOLIDATED\CONSOLIDATED.doc
October 13, 2011