



INFORMATION TO APPLICANTS FOR ZONE AMENDMENTS

NOTICE TO APPLICANTS

BEFORE A REPORT ON YOUR APPLICATION IS FORWARDED TO COUNCIL, it is often necessary to address infrastructure and associated servicing matters that have been deemed necessary. A servicing agreement will be required to be entered into with the City. YOU MAY BE REQUIRED TO PROVIDE MONEY to cover the cost of the works outlined in the servicing agreement. This money will be held in trust by the City Solicitor and will be returned with interest if your application is not approved. Should you choose not to enter into the servicing agreement or provide the required funds, you will be asked to advise the City in writing of your position. Your written response will be forwarded to Council along with a staff report recommending deferral of the rezoning application until all matters pertaining to the servicing agreement are resolved.

Before making an application, you are encouraged to discuss your intentions with the Residents' Association for the area.

Information on all Residents Associations in the City of Kelowna is available on request from the Planning & Development Services Department.

PLEASE NOTE THAT THE COMPLEXITY AND VOLUME OF APPLICATIONS HAS A DIRECT EFFECT UPON PROCESSING TIME

PROCESSING BEGINS ONLY WHEN AN APPLICATION IS CERTIFIED AS COMPLETE

INFORMATION TO APPLICANTS FOR ZONING BYLAW AND OFFICIAL COMMUNITY PLAN AMENDMENTS

1.0 HOW YOUR APPLICATION WILL BE PROCESSED

- (a) An application must be complete before it is formally accepted.
- (b) The application is circulated to the appropriate technical agencies, and a staff report forwarded, concurrently, to the Advisory Planning Commission.
- (c) The application is considered at a public meeting of the Advisory Planning Commission. This is an opportunity for the applicant to meet informally with adjacent landowners to further discuss the proposal, answer questions, and resolve any concerns that may be raised at this time.
- (d) Comments are received from technical agencies and other City departments. BEFORE A REPORT ON YOUR APPLICATION IS FORWARDED TO COUNCIL, it is often necessary to address infrastructure and road servicing matters that have been deemed essential. This is done by entering into a servicing agreement with the City. YOU MAY BE REQUIRED TO PROVIDE MONEY to cover the cost of the work outlined in the servicing agreement. This money will be held in trust by the City Solicitor and will be returned with interest if your application is rejected. Should you choose not to enter into the agreement or provide the required funds, you will be asked to advise the City in writing of your position. Your written response will be forwarded to Council along with a staff report recommending deferral until the servicing agreement is concluded.
- (e) The report receives Council's initial consideration, and Council will decide whether to forward the application to a public hearing.
- (f) After a public hearing, a rezoning bylaw or Official Community Plan amendment must receive four readings of Council to complete the amendment.
- (g) For lands located within Development Permit areas (designated by the Official Community Plan), a Development Permit must be submitted and considered by Council concurrent with consideration of Final Adoption of Zone Amending Bylaw.

2.0 REQUIREMENTS PRIOR TO FINAL ADOPTION

- (a) Certain items may be required prior to fourth reading and final adoption. These may include Ministry of Highways approval of the bylaw, Preliminary Layout Approval of a subdivision, a concurrent Development Permit application, depending on the specifics of the application.

3.0 PHASED STRATA APPLICATIONS

- (a) Applicants for phased strata developments shall note that all phases of development shall be designed such that each phase applied for meets all zoning criteria, e.g. site area, lot width, setbacks, lot coverage, density (F.A.R.), etc.

4.0 NOTICES TO AFFECTED NEIGHBOURS

- (a) Newspaper advertisements are published approximately 10 calendar days in advance of the Public Meeting of Advisory Planning Commission and up to 10 days in advance of a Council Public Hearing to advise the general public of the nature of the application being considered.
- (b) A Development Notification Sign(s) is purchased by the proponent and erected and maintained on the subject property for the 10 calendar days prior to the Advisory Planning Commission until Council has concluded its dealing with the application. The applicant will purchase the correct number of signs from the City's Planning & Development Services Department (mounting instructions will be supplied).

The applicant must provide the City's Planning & Development Services Department with a statutory declaration that all Development Notices have been installed on the land involved before the application will be considered at a Public Hearing. This form will be provided with the Notice Sign(s).

All Development Notices must be placed so that they can be clearly viewed from the street, approximately 3 m (10 ft.) inside the property line at a spacing of at least one notice every 100 m (300 ft.) of street frontage. No Development Notice shall interfere with pedestrian or vehicular traffic or obstruct visibility from streets, lanes, walkways or driveways. All Development Notification Signs must be installed and maintained by the applicant in a sound, workmanlike manner, capable of withstanding wind and weather in accordance with the following siting specifications.

- (c) Notices are mailed or delivered to owners/occupants within 100 m of the subject property, approximately two weeks prior to a Council Public Hearing.

Where a Development Permit requires a Variance of bylaw provisions, notices are mailed or delivered to owners/occupants within 30 m of the subject property, approximately two weeks prior to Council consideration at a Council Hearing.

5.0 HOW LONG CAN AN APPLICATION REMAIN PENDING BY AN APPLICANT?

Kelowna City Council adopted a "Sunset Policy for Rezoning and Official Community Plan Amendment Bylaws" by resolution of December 9th, 1991. Pursuant to this policy, an applicant may hold his proposal for one year maximum from the date of the Public Hearing on the bylaw. A further one time extension of one year may be granted by request to the City Council. After the specified time has elapsed, Council may proceed to defeat the bylaw.

6.0 FOR FURTHER INFORMATION

If you have any further questions, please contact the Planning & Development Services Department at 862-3304 or 763-6011. Alternatively, you may write to 1435 Water Street, Kelowna, B.C., V1Y 1J4 for further information.

Please refer to the following diagram which briefly illustrates the rezoning procedure and the time-frames associated with processing an application.

7.0 REZONING APPLICATION REQUIREMENTS

ITEMS TO BE SUBMITTED

- (a) Registered owner and letter of authorization to agent, if applicable.
- (b) Legal description and copy of State of Title.** [Copy of Certificate of Title should include copies of any easements and covenants (this information is available from B.C. Land Title's Office), and shall be less than 90 days old].
- (c) Address of subject property.
- (d) Architect/Designer/Phone and Fax Numbers.
- (e) Statement of Intent outlining the rationale behind the application including how the City may benefit from the amendment.
- (f) Concept Plan(s) to include the following information:
 - (i) Site Plan of sufficient detail and scale to show building and parking layout, relationship to adjoining lands and development, site access, landscaping, buffer treatment and any other information which may be deemed relevant to the proposal.
 - (ii) Elevation drawings of sufficient detail to show the form and character of the proposed development.
 - (iii) One set of drawings 8½" x 11". Ten sets of drawings 11" x 17".
- (g) An environmental review by a registered biologist (or person with similar qualifications) and/or a comprehensive geotechnical report by a professional engineer competent in the field of hydro-geotechnical engineering.
- (h) Confirmation by written approval from the Ministry of Environment, Lands and Parks for authorized horizontal setback distance from a natural boundary of a creek or lake including Ministry approval on any mitigation measures required to alleviate environmentally hazardous conditions. Province of British Columbia forms are available on request from the Planning & Development Services Department. This information is in addition to any requirements of the City of Kelowna.
- (i) Site profile.

PLEASE NOTE THAT ALL PLANS OR DOCUMENTS MUST BE FOLDED TO LETTER SIZE.