

THE CORPORATION OF THE DISTRICT OF SUMMERLAND
BYLAW NUMBER 2020-026
DEVELOPMENT APPLICATION PROCEDURES BYLAW

CONSOLIDATED FOR CONVENIENCE TO INCLUDE: Bylaw 2023-010;

A Bylaw to establish procedures for the processing of land development applications including amendments to an Official Community Plan, Zoning Bylaw amendments, Development Permits, Development Variance Permits, Temporary Use Permits, Agricultural Land Commission Applications and Retail Store, Cannabis Licence Applications under Part 14 of the

Local Government Act.

WHEREAS under Section 460 (1) of the *Local Government Act*, Council shall, by bylaw, define procedures under which an owner of land may apply for an amendment of an official community plan or a zoning bylaw, or the issuance of a development, development variance or temporary use permit;

AND WHEREAS Section 486 of the *Local Government Act*, Council must, by bylaw, establish procedures and policies on the process for requiring development application information under this Division and the substance of the information required;

AND WHEREAS Section 487 (1) of the *Local Government Act*, if a bylaw under Section 486 is adopted, the local government or an officer or employee authorized by the bylaw may require an applicant for any of the following to provide development application information to the local government:

- a) an amendment to a zoning bylaw;
- b) a development permit;
- c) a temporary use permit;

AND WHEREAS Council has designated areas within which Temporary Use Permits are required;

AND WHEREAS Council has designated areas within which Development Permits are required;

AND WHEREAS Section 502 of the *Local Governmental Act*, require that the applicant for a permit under Part 14 of the *Local Government Act* provide security in an amount stated in the permit by an irrevocable letter of credit or the deposit of securities in a form satisfactory to the local government;

AND WHEREAS Council may, pursuant to the *Liquor Control and Licensing Act* and *Cannabis Control and Licensing Act* impose fees to recover the cost of providing comments or recommendations on license applications made under those Acts;

AND WHEREAS Section 154(1)(b) of the *Community Charter* empowers Council to delegate its powers, duties and functions, including those specifically established by an enactment to its officers and employees, its committees or its members or to other bodies established by Council;

AND WHEREAS Council considers that there are a number of circumstances where delegation would foster good government;

NOW THEREFORE, the Municipal Council of the Corporation of the District of Summerland, in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

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SECTION 1 - INTRODUCTION

1.1 Title

This Bylaw may be cited as “Development Application Procedures Bylaw No. 2020-026”.

1.2 Scope

This bylaw applies to:

- a) An application, by a party other than the District of Summerland, to amend:
 - i. an Official Community Plan;
 - ii. a Zoning Bylaw;
 - iii. or both.
- b) An application, by a party other than the District of Summerland, for a:
 - i. Development Permit;
 - ii. Development Variance Permit; or
 - iii. Temporary Use Permit.
- c) An application to the Agricultural Land Commission for one or more of the following:
 - i. to include land into the Agricultural Land Reserve (ALR);
 - ii. to exclude land from the ALR;
 - iii. to subdivide land within the ALR;
 - iv. to conduct a non-farm use in the ALR; or
 - v. place fill on, or remove soil from, land in the ALR for non-farm purposes.
- d) An application to the Liquor and Cannabis Regulation Branch to obtain or amend a:
 - i. cannabis license.

1.3 Powers, Duties and Functions of Council

For clarity, subject to the *Local Government Act*, unless a power or duty or function of Council have been expressly delegated by this bylaw or another municipal bylaw, all the powers, duties and functions of Council remain with Council.

1.4 Delegation to Persons Holding Position

Where this bylaw delegates a power, duty or function to a named position, the delegation of the power, duty or function is to the person who holds the position

1.5 Definitions

“Advisory Planning Commission (APC)” means an Advisory Planning Commission established by the District from time to time.

“Agricultural Land Commission (ALC)” means the Agricultural Land Commission established by the *Agricultural Land Commission Act*.

“Agricultural Land Reserve (ALR)” means the Agricultural Land Reserve designated by the *Agricultural Land Commission Act*.

“Amending Bylaw” means a bylaw to change the provisions of an official community plan or a zoning bylaw.

“Applicant” means the owner of the real property that is the subject of an application under this Bylaw or any person designated by the owner in writing as the agent for the owner.

“Council” means the Municipal Council of the District of Summerland.

“Chief Administrative Officer (CAO)” means the person appointed by the District of Summerland Council as CAO and any person who, from time to time, is the deputy CAO or is appointed by Council to act in the capacity of the CAO in the CAO’s absence.

“District” means the District of Summerland.

“Development Permit” means a permit authorized by section 489 of the *Local Government Act*.

“Development Services” means the Department responsible for Development Services.

“Development Variance Permit” means a permit authorized by section 498 of the *Local Government Act*.

“Development Variance Permit, Minor (Type I)” – A development variance permit that varies the provisions of a bylaw for any of the following criteria¹:

1. Zoning Bylaw requirements with respect to siting, size and dimensions of buildings and structures for the following:
 - a. Minimum Yard Setbacks by no more than 15% of the minimum requirement
 - b. Maximum Height by no more than 10% of the maximum requirement
 - c. Maximum Floor Area Ratio by no more than 10% of the maximum requirement
 - d. Maximum Lot Coverage by no more than 10% of the maximum requirement
 - e. Projections into Setbacks
 - f. Swimming Pools and Artificial Bodies of Water
 - g. Building Envelope
 - h. Renewable Energy Systems and Infrastructure
 - i. Amenity Space
 - j. Garbage Containment and Collection Facilities

¹ Bylaw No. 2023-010 (March 13, 2023)

2. Zoning Bylaw requirements with respect to off-street parking and loading space requirements (Section 6: Parking and Loading Regulations) for the following:
 - a. Designated Parking Spaces
 - b. Shared and Off-Site Parking
 - c. Vehicle Parking Space Design Standards
 - d. Vehicle Parking Space Location and Access Standards
 - e. Loading Space Standards
 - f. Loading Space Location Standards
 - g. Lighting
3. Zoning Bylaw requirements with respect to screening and landscaping (Section 5: Landscaping Regulations), excluding Section 5.5 Fences and Retaining Walls.
4. Sign Bylaw requirements

“Development Variance Permit, Minor (Type II)” – A development variance permit that varies the provisions of a bylaw for any of the following criteria²:

1. Zoning Bylaw requirements with respect to siting, size and dimensions of buildings, structures, and uses, except those identified as a Development Variance Permit, Minor (Type I)
2. Zoning Bylaw requirements with respect to off-street parking and loading space requirements (Section 6: Parking and Loading Regulations), except those identified as Development Variance Permit, Minor (Type 1)
3. Zoning Bylaw requirements with respect to siting, sizing, and dimensions of specific uses (Section 7: Specific Use Regulations), except those identified as a Development Variance Permit, Minor (Type 1)
4. Zoning Bylaw requirements with respect to retaining walls and fences (Section 5.5: Fences and Retaining Walls)

“Development Officer” means the Director of Development Services, provided that the Director of Development Services may designate another District staff person as the Director of Development Services to act under this bylaw, either generally or in the absence of the Director of Development Services.

“Director of Development Services” means the person appointed to that position by the District of Summerland or designated as such by the Chief Administrative Officer.

“FCL” means flood construction level.

“Fees and Charges Bylaw” means the District of Summerland’s Fees and Charges Bylaw as amended or replaced from time to time.

“Lot” means a parcel of land, including Crown Land title to which has been registered in the Land Title Office by the deposit of a plan or other description, but does not include a highway.

“Official Community Plan (OCP)” means the District of Summerland Official Community Plan as amended or replaced from time to time.

“Qualified Professional” means a professional engineer, geoscientist, architect, biologist, planner or other professional licensed or otherwise eligible to practice in British Columbia with

² Bylaw No. 2023-010 (March 13, 2023)

experience relevant to the applicable matter, as determined by Development Services and includes a Qualified Environmental Professional.

“Technical Planning Committee” means a committee of staff representatives assembled to discuss technical, infrastructure, and other matters related to development applications.

“Temporary Use Permit” means a permit authorized by section 493 of the *Local Government Act*.

“Zoning Bylaw” means the District of Summerland Zoning Bylaw, as amended or replaced from time to time.

SECTION 2 – GENERAL PROVISIONS

2.1 Making Application

The following is required for all applications made under this bylaw:

- i. An application made pursuant to this bylaw shall be made to the Development Services Department.
- ii. An application shall be executed in writing by all owners of the land that is subject to the application. The owners may authorize an agent to act on their behalf by submitting an Owner's Authorization form.
- iii. An application made pursuant to this bylaw shall be submitted on the prescribed application form and shall include an application fee, payable to the District, in accordance with the Fees and Charges Bylaw.

2.2 Change of Ownership

If there is a change of ownership of a parcel of land that is the subject of an application pursuant to this bylaw, the new owner must provide written authorization and a title search print before the application proceeds further.

2.3 Delegation of Authority

Pursuant to Section 154(1)(b) of the *Community Charter*, Council delegates to the Development Officer the duties and powers of Council as follows:

a) Development Application Information

The Development Officer is designated under Section 486 of the *Local Government Act* to require development approval information to be provided by the applicant, at the applicant's expense, in respect of an application made of the following types:

- i. an amendment to a zoning bylaw;
- ii. a development permit; and
- iii. a temporary use permit.

b) Performance Security

The Development Officer is designated under Section 502 of the *Local Government Act* to require security as a condition of the issuance of a Development Permit or Development Variance Permit in accordance with Section 2.7 of this bylaw.

c) Development Variance Permits, Minor³

The Development Officer is designated under Section 498.1 of the *Local Government Act* to issue a development variance permit in respect of an application made of the following types:

- Development Variance Permit, Minor (Type II)
- Development Variance Permit, Minor (Type I)

The Development Officer is permitted to issue a Development Variance Permit:

- i. Where, in the opinion of the Development Officer, issuance of the Development Variance Permit will not:
 - Result in inappropriate development of the site;
 - Adversely affect the natural environment;
 - Substantially affect the use and enjoyment of adjacent land;
 - Vary permitted uses and densities under the District's Zoning Bylaw; or,
 - Defeat the intent of the bylaw; and,
- ii. Where no written correspondence opposing the requested variance(s) has been received from Owners or tenants in occupation of parcels within 60 m of the subject property within the prescribed circulation period; and,
- iii. If the Development Variance Permit has not been applied for as a result of an active bylaw enforcement investigation.

d) Development Permits

- i. The Development Officer is designated under Section 489 of the *Local Government Act* to issue, to refuse, and to amend Development Permits in respect of the following Development Permit areas established by the Official Community Plan:
 - a) High Hazard
 - b) Environmentally Sensitive

³ Bylaw No. 2023-010 (March 13, 2023)

- c) Watercourse
- d) Wildfire Hazard
- ii. The Development Officer is designated under Section 489 of the *Local Government Act* to issue, and to amend Development Permits in respect of the following Development Permit areas established by the Official Community Plan
 - a) Downtown
 - b) Lower Town
 - c) Trout Creek
 - d) Bentley Road Industrial
 - e) Multi-Family

and only for the following types of permits:

- a) commercial exterior signage;
- b) additions to existing buildings where the floor area of the addition is less than 100 m²;
- c) amendments to existing Development Permits dealing with the form and character of development that do not substantially alter the form and character approved in the original Permit;
- d) façade alterations on existing buildings, up to \$150,000;
- e) construction of multi-family residential buildings in the Multi-Family, Downtown and Lower Town areas to a maximum of three stories in height and a maximum floor area of 1,500m²;
- f) construction of commercial and mixed-use buildings in the Downtown and Lower Town areas to a maximum of three stories in height;
- g) construction of a building in the Bentley Road Industrial area that is less than 1000m².
- h) surface parking lots or alterations to existing surface parking lots.

All Development Permits that do not meet this criterion, or which the Development Officer recommends refusal, shall be forwarded to Council for decision.

- e) The Development Officer may refer any Application described in Sections 2.3 a), b), c), or d) to Council for consideration of issuance⁴.

2.4 Development Application Information

- a) Where an Official Community Plan specifies circumstances or designates areas in which “development approval information” may be required, the Development Officer may require, where rationale is provided, that the applicant provide development application information in a written report certified by a Qualified Professional that:
 - i. Addresses the potential impacts on land use, traffic, the environment, utilities and other District facilities (if applicable);
 - ii. Identifies and defines the context, interaction, scope, magnitude and significance of the anticipated impacts of the activity or development on the community, as well as the data and methodological accuracy, assumptions, uncertainties and acceptability thresholds on which the report is based and how the anticipated impacts may cumulatively contribute to existing risks, stressors and threats;

⁴ Bylaw No. 2023-010 (March 13, 2023)

- iii. Provides recommendations for conditions or requirements Council or the Development Officer may impose to mitigate, ameliorate, or compensate for anticipated impacts; and
 - iv. Provides recommendations and details costs for modifications to the environment, or construction of works, to mitigate, ameliorate or compensate for anticipated impacts.
- b) An applicant may appeal, in writing, to Council at no charge to the applicant, the decision of the Development Officer in regards to the development application information required under the OCP within 30 days of the date of which the request for development application information is mailed to them.
 - c) A request for reconsideration must be delivered in writing to the CAO and must set out the grounds on which the applicant considers the decision is inappropriate and what decision the applicant considers the Council ought to substitute.
 - d) The CAO must notify the applicant and any other person who the CAO reasonably considers may be affected by the reconsideration of the date of the meeting at which it will occur.

2.5 Council Reconsideration

All the following apply to any decision by the Development Officer under Section 2.3:

- a) Any owner of property that is subject to a decision by the Development Officer who is dissatisfied with the decision is entitled to have the decision reconsidered by Council, at no charge, in accordance with this section.
- b) An owner who wishes to have a decision reconsidered by Council must apply for the reconsideration by delivering to the Chief Administrative Officer or their delegate, within 30 days after the decision is communicated to the owner, a reconsideration application in writing, which must set out all of the following:
 - i. the date of the decision and the nature of the decision;
 - ii. reasons why the owner wishes the decision to be reconsidered by Council;
 - iii. the decision the owner requests be made by Council, with brief reasons in support of the requested decision; and
 - iv. a copy of any materials considered by the owner to be relevant to the reconsideration by Council.
- c) A reconsideration application must be considered by Council at a regular meeting of Council held at least two (2) weeks and no more than ten (10) weeks after the date on which a complete application is accepted by the District.
- d) The Chief Administrative Officer or their delegate must:
 - i. Notify the Director of Development Services of each request for reconsideration and the Director of Development Services shall, prior to the date of the meeting at which the reconsideration shall occur, provide a written report to Council setting out the rationale for their decision;
 - ii. Give notice of each reconsideration in accordance with any notice requirements in respect of the original application that are set out in this bylaw;
 - iii. Place each reconsideration application on the agenda for a regular meeting of Council in accordance with section 2.5.c;
 - iv. Notify the applicant of the date of the meeting at which reconsideration shall occur; and
 - v. Before each reconsideration by Council, deliver to each Council member a copy of the materials that were considered by the delegate in making the decision that is to be reconsidered.
- e) In reconsidering a decision, Council must consider the same material as was considered by the delegate in making the decision.
- f) At a reconsideration of a decision, the owner and any other person who is interested in the decision are entitled to be heard by Council.
- g) Council is entitled to adjourn a reconsideration of a decision.
- h) Council shall either confirm the decision of the Development Officer, or substitute its own decision, including any conditions of the Development Permit.

2.6 Applications Considered by Council

a) **Bylaw Amendments**

Upon receipt of an application to amend the Official Community Plan or Zoning Bylaw, Council may reject the application or proceed with an amendment bylaw in accordance with the procedural requirements of the *Local Government Act* and *Community Charter*.

b) **Development Permits, Development Variance Permits and Temporary Use Permits**

Council may, upon receipt of a report from Development Services respecting an application for Development Permit, Development Variance Permit and Temporary Use Permits:

- i. Issue, amend, or refuse the permit;
- ii. Impose requirements and set conditions or standards;
- iii. Impose conditions for the sequence and timing of construction;
- iv. Require security; or
- v. Defer or otherwise deal with the Permit Application.

c) **Agricultural Land Commission Applications**

Council may, upon receipt of a report from Development Services respecting an Agricultural Land Commission application:

- i. Authorize the application to proceed to the ALC; or
- ii. Not authorize the application to proceed to the ALC.

d) **Retail Store, Cannabis License Applications**

Council may, upon receipt of a report from Development Services, and following the appropriate consultation, respecting a Retail Store, Cannabis License Application:

- i. make a recommendation to deny the application;
- ii. make a recommendation in favour of the application; or
- iii. defer making a recommendation.

2.7 Performance Security

a) **Form of Security**

Security required by permits shall be in the form of a cash or an irrevocable letter of credit, effective for a period to be determined by Development Services. Such irrevocable letter of credit shall be clean and unconditional, automatically renewing, and redeemable at a local financial institution chartered under the *Bank Act (Canada)* or *Financial Institutions Act (Provincial)* and may be subject to additional conditions to be specified by the Development Officer.

b) **Amount of Security**

The amount of security required may be calculated using:

- i. An estimate or quote provided at the applicant's expense by a professional qualified to undertake or supervise the works for which the securities are required; or
 - ii. The amount of security may be calculated using such methodologies as Development Officer may prescribe from time to time.
- c) **Conditions of Security**

Where security is a condition of a Permit,

- i. In the case of a condition in a permit respecting landscaping works, the amount shall be 125% of the cost of the works, including inspections, monitoring and maintenance, paid in full prior to permit issuance;
- ii. In the case of an unsafe condition that might result from a contravention of a permit condition, the amount of security shall reflect the nature of the permit condition, the nature of the unsafe condition and the cost to the District of entering on the land, undertaking work to correct the unsafe condition, including the cost of repairing any damage to land and improvements that may have been caused by the unsafe condition or that may have occurred in connection with the repair work;
- iii. In the case of damage to the natural environment that might result from a contravention of a permit condition, the amount shall reflect the nature of the permit condition, the nature of the damage to the environment and restoring or enhancing the natural environment to compensate for the damage that has been caused by the contravention of the permit condition.

2.8 Notice of Decision

- a) All applicants shall be notified within 21 days of a Council or Development Officer decision to issue, refuse, reject, amend, or proceed with an amending bylaw, development permit or a development variance permit.
- b) Written notice of a decision shall be mailed or otherwise delivered by the District to an applicant at the address provided on the application form. Email will be deemed delivered on the date sent by the District.

2.9 Incomplete Applications

If the Development Services Department staff determines that an application is incomplete, the applicant shall be requested to provide the required information. The applicant may be required to provide additional information beyond the standard checklist of items by the Development Officer. If the applicant does not provide the information within three (3) months of the request, the application and refundable portion of the fee shall be returned, and the file closed.

2.10 Lapse of Application

- a) In the event that an application made pursuant to this bylaw is one (1) year old or older and has been inactive for a period of six (6) months or greater;
 - i. The application shall be deemed to be abandoned and the applicant shall be notified in writing that the file shall be closed;
 - ii. Any bylaw that has not received final adoption shall be considered abandoned;

- b) Upon written request by the applicant prior to the lapse of the application, Council may extend the deadline for a period of twelve (12) months by passing a resolution to that affect.
- c) If applicable, a refund shall be paid to the applicant in accordance with the Fees and Charges Bylaw for proposals that have been deemed to have lapsed.
- d) For an application that has lapsed under Section 2.10 a) or b) to proceed, a new application (including fee), shall be required.

2.11 Re-application

- a) Subject to Section 460 of the *Local Government Act*, where an application made pursuant to this bylaw has been refused by Council, re-application shall not be accepted for a six (6) month period immediately following the date of refusal.
- b) Where an applicant intends to appeal to Council to vary the time limit set in section 2.11 a), and pursuant to section 460 (3) of the *Local Government Act*, the applicant shall submit, in writing, a detailed statement as to why the time limit for the reapplication should be varied.

SECTION 3 – APPLICATION FEES

3.1 Application Fee Requirement

- a) At the time of application, the applicant shall pay to the District any application fees in the amounts as set out in the Fees and Charges Bylaw.
- b) Where a Public Information Meeting is required, the applicant shall pay all costs associated with the Public Information Meeting.
- c) The fees prescribed in the Fees and Charges Bylaw apply to each parcel of land for which the application is made, as follows:
 - i. If an application involves two or more contiguous parcels of land, they shall be treated as one proposal;
 - ii. If an application involves two or more parcels of land that are not contiguous, they shall be treated as separate applications and the fee prescribed in the Fees and Charges Bylaw applies to each site for which the application is made.

3.2 Refund of Application Fees

- a) Where an Official Community Plan or Zoning Bylaw amendment application is withdrawn prior to first reading, the applicant may request a refund of one-half of the application fee.
- b) Where a Development Permit Application is submitted, and that requires Council decision, is withdrawn prior to it being considered by Council, the applicant may request a refund of one-half of the application fee.
- c) Where a Development Variance Permit or Temporary Use Permit is withdrawn prior to it being considered by Council, the applicant may request a refund of one-half of the application fee.

SECTION 4 – PUBLIC NOTIFICATION & CONSULTATION

4.1 Public Notification & Consultation Requirements

a) All applications made pursuant to this bylaw require the forms of public notification and consultation described in this section.

Table 1 – Forms of Public Notification and Consultation

Application Type	Developer-Directed Public Information Meeting	Development Notice Sign	Neighbour Notification	Website Notification
Official Community Plan Amendment	Y	Y	Y	Y
Zoning Amendment	Y	Y	Y	Y
Development Permit	N	N	N	Y
Development Variance Permit*	N	N	Y	Y
Temporary Use Permit	Y	Y	Y	Y
Temporary Use Permit Renewal	N	N	Y	Y

* *Development Variance Permits, Minor Type I are excluded from neighbourhood notification requirements of this section as per s.499.1.1 of the Local Government Act*⁵

Y = Required
 N = No notification requirements or consultation required

- b) For the purposes of OCP and Zoning Amendment applications, the following criteria will determine whether the Notification & Consultation requirements of Table 1 will apply (in addition to the requirements for notification under the *Local Government Act*):
- i. Involves a change to the Future Land Use designation of property greater than 2 hectares or greater;
 - ii. Involves the creation of a Comprehensive Development Zone;
 - iii. Involves the addition or subdivision of 2 or more dwelling units and/or parcels; or
 - iv. Involves a change in land use intensity including, but not limited to, a change from low density to higher density residential, residential to commercial, institutional or commercial to industrial.
 - v. For all other OCP and Zoning Amendments, the Development Officer retains the discretion to require the Notification & Consultation requirements of Table 1 as part of the application process.

4.2 Public Notification Specifications

a) **Developer-Directed Public Information Meetings**

⁵ Bylaw No. 2023-010 (March 13, 2023)

- i. The developer/applicant shall organize, conduct and pay all costs associated with the public information meeting.
- ii. A Public Information meeting must be advertised by mail to owners and tenants of abutting and adjoining parcels and any parcels within 60m of the subject property and by local newspaper advertisements, a minimum of two (2) weeks in advance of holding a Public Information meeting.
- iii. The developer/applicant must provide a copy of the local newspaper advertisement(s) to Development Services so that the information can be posted on the public notice board and District website;
- iv. The District of Summerland must be notified of the meeting and a District staff representative shall have the option to attend;

b) **Scheduling of a Developer-Directed Public Information Meeting**

A public information meeting shall be arranged and conducted according to the following guidelines:

- i. The Public Information Meeting must be held a minimum of fifteen (15) days prior to Council 's initial consideration and after submission of a complete application;
- ii. A Public Information meeting should commence no later than 7:00 pm.
- iii. A Public Information meeting should be held Monday through Thursday, excluding holidays.
- iv. Where the District considers appropriate, a Public Information meeting may be held on a day of the weekend, if in the event that members of the public or adjacent property owners would otherwise have difficulty attending a meeting held on a weekday. A public information meeting held on a weekend should be in the afternoon.

c) **Posting a Development Notice Sign**

Where a Development Notice Sign is required in Table 1 above, an applicant must erect a sign, at his or her cost, on that parcel of land which is the subject to the application in accordance with the District's template (Figures 2 and 3) and the following specifications:

i. **Timing**

Development Notice Signs will be posted a minimum of 10 days in advance of the applicant's Developer-Directed Public Information Meeting. The sign must remain in place until Council has adopted the amending bylaw, or until the development application has been abandoned. Signs must be removed within thirty (30) days of the conclusion of a Public Hearing.

ii. **Location**

Development Notice Signs shall be posted:

- In a location unobstructed to view from the street, no further than six (6) metres from the property line abutting the street;

- Where the property abuts two or more streets, excluding lanes, a notice sign shall be posted no further than six (6) metres from each abutting street or alternatively, from the intersection point of the two streets at a 45-degree angle;
- Where placement of a required notice sign on a property is not feasible, the notice may be posted on an abutting road right-of-way subject to approval by the District; and
- Where the notice sign is mounted on a building, it shall be unobstructed to view from the street and the bottom edge shall be a minimum of 1.2 metres and maximum three (3) metres from the ground.
- In a manner which 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.

iii. Size and Content

The Development Notice Sign(s) will be in accordance with the size specifications shown in Figure 2 and include the following information in accordance with Figure 3.

iv. Photographic Evidence Required

The applicant must provide Development Services with photographic evidence confirming that the Development Notice Sign(s) required have been installed on the subject property before the application shall be considered at a Public Hearing or a regular meeting of Council.

v. Failure to Post

Failure to post the required Development Notice Sign(s) shall result in the postponement of consideration of the application by Council. All costs incurred by the District for public notification as a result of such postponement shall be the responsibility of the applicant.

Figure 2 – Sign Specifications

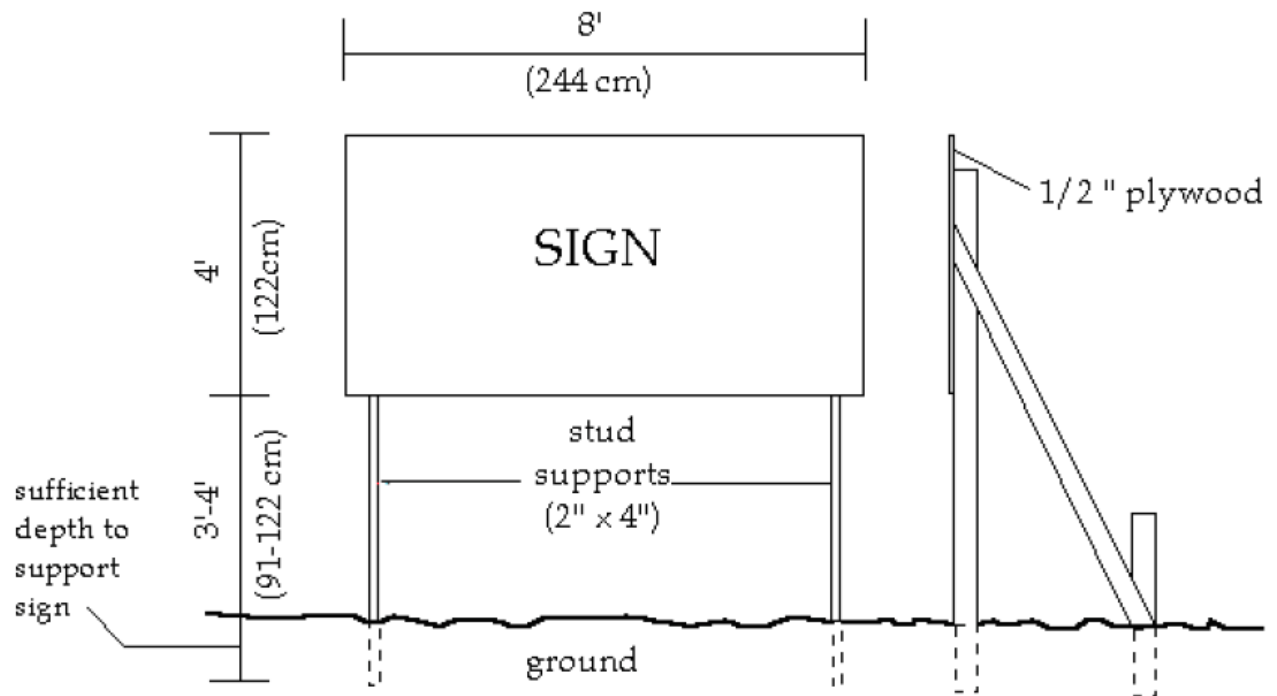


Figure 3 – Sign Template

NOTICE OF REZONING APPLICATION

THE DISTRICT OF SUMMERLAND IS CONSIDERING AN APPLICATION TO REZONE PROPERTY AT <ADDRESS> FROM <SPECIFY ZONE> ZONE (X-x) TO <SPECIFY ZONE> ZONE (X-x) IN ORDER TO FACILITATE <SOMETHING AWESOME>



APPLICANT CONTACT INFO:

NAME: JACK BLACK
ADDRESS: 1234 THAT STREET
PHONE: 250-404-0000

THE PUBLIC HEARING WILL BE HELD:

DATE: MONTH DAY, YEAR
TIME: 7:00 PM
PLACE: COUNCIL CHAMBERS
ADDRESS: 13211 HENRY AVENUE

For more information please contact:
DEVELOPMENT SERVICES DEPARTMENT
13211 HENRY AVENUE — (250) 494-1373



d) Neighbour Notification⁶

Public Hearings, Waiving of Public Hearing or Temporary Use Permit

- i. In accordance with the *Local Government Act*, District staff shall 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 all other properties within a distance of not less than 60 metres measured from the boundaries of any subject property to which the application pertains, advising of:
 - a scheduled Public Hearing for an OCP or Zoning Bylaw amendment;
 - the waiving of a Public Hearing for a Zoning Amendment, where no OCP Amendment is required;
 - a scheduled Council meeting for considering a Temporary Use Permit.

⁶ Bylaw No. 2023-010 (March 13, 2023)

- ii. The notification outlined in this section is not required if ten (10) or more parcels owned by ten (10) or more persons are subject to the application.
- iii. Individual notices shall be mailed or otherwise delivered not less than ten (10) days prior to Council consideration of a Temporary Use Permit, and not less than ten (10) days prior to the holding of a Public Hearing for an Official Community Plan or Zoning Bylaw amendment.

Development Variance Permit Applications

- iv. In accordance with the *Local Government Act*, District staff shall 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 all other properties within a distance of not less than 60 metres measured from the boundaries of any subject property to which the application pertains, advising of:
 - a scheduled Council meeting for considering a Development Variance Permit; or
 - the issuance of a Development Variance Permit, Minor (Type II) under delegation to the Development Officer.
- v. Council Consideration notification procedure:
 - i. Individual notices shall be mailed or otherwise delivered not less than fifteen (15) days prior to Council consideration of a Development Variance Permit
- vi. Development Variance Permit, Minor (Type II) notification procedure:
 - i. Individual notices shall be mailed or otherwise delivered not less than fifteen (15) days prior to the consideration of issuance of the Development Variance Permit by the Development Officer.
 - ii. If no correspondence opposing the requested variance(s) is received within the time period specified, the staff memo and draft development variance permit will be considered for delegated Development Officer approval.
 - iii. If correspondence opposing the requested variance(s) is received, the Development Variance Permit application will be provided to Council for approval in the form of a report for request for decision.

e) Website Notification

- i. District staff will post monthly on its website information on the number and type of complete applications submitted to the Development Services department.
- ii. District Council will also be provided a monthly staff report indicating the number and type of applications submitted.

4.3 Agency Referral Process

- a) When dealing with an Amendment application under this bylaw, the Development Services Department shall develop a referral list of agencies, organizations, or levels of government to which the amendment must be sent for review and comment.
- b) Each agency, organization or level of government shall be given a minimum of thirty (30) calendar days from the date of the referral to provide any comments. If after a minimum of thirty (30) calendar days the agency, organization or level of government has not notified the District in writing about their concerns or advised of a delay in response, the agency, organization or level of government is considered to have no concern.

5.0 Repeal

Summerland Land Use Procedures Bylaw Number 98-003 and all amendments thereto are hereby repealed.

6.0 Irregularity

The failure of Council or a Committee to observe the provisions of this bylaw does not affect the validity of resolutions passed or bylaws enacted by Council.

Read a first and second time this 13th day of October, 2020.

Public Hearing held on this 9th day of November, 2020.

Read a third time this 9th day of November, 2020.

Adopted by the Municipal Council of the Corporation of the District of Summerland this 9th day of November, 2020

Mayor

Corporate Officer