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THE CORPORATION OF THE CITY OF PENTICTON

LAND USE PROCEDURES BYLAW

NO. 93-134

Consolidated for convenience only.

Bylaws 2004-60, 2005-55, 2006-14, 2008-55

Land Use Procedures

THE CORPORATION OF THE CITY OF PENTICTON BYLAW NO. 93-134 (2004-60), (2005-55), (2006-14)

A BYLAW TO ESTABLISH PROCEDURES TO AMEND AN OFFICIAL COMMUNITY PLAN, A ZONING BYLAW OR TO ISSUE A PERMIT UNDER PART 29 OF THE MUNICIPAL ACT

WHEREAS the Council of the City of Penticton has adopted an Official Community Plan and Zoning Bylaw;

AND WHEREAS the Council of the City of Penticton shall, under Section 954(1) of the Municipal Act, by bylaw establish procedures to amend an official community plan, a zoning bylaw or issue a permit;

NOW THEREFORE the Municipal Council of The Corporation of the City of Penticton in open meeting assembled ENACTS as follows:

Title

1. This Bylaw may be cited for all purposes as "The City of Penticton Land Use Procedures Bylaw No. 93-134 (1993)".

Repeal

2. Bylaw No. 87-69 and amendments thereto are repealed on the adoption hereof.

Scope

3. This bylaw shall apply to
 - (1) Amendments to:
 - a) an official community plan; and
 - b) a zoning bylaw.
 - (2) Issuance of:
 - a) development variance permit; and
 - b) development permit.

Application

4. (1) Applications for an amendment or a permit shall be made by the owner of the land involved or by a person authorized in writing by the owner.

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- (2) Applications for amendments or permits shall be made to the Development and Engineering Services and contain:
- name of applicant
 - name of registered owner
 - legal description
 - general location
 - present zoning and community plan designation
 - proposed amendment or type of permit being sought
 - description of existing use
 - description of proposed use
 - services available, and
 - reasons or comments in support of the application.
- preliminary site plan including setbacks, building foot print, parking, access/egress and landscaping
- building elevations schematic

Fee

5. At the time of application for an amendment or a permit, the applicant shall pay to the City an application fee in the amount as set out in the City of Penticton Fees and Charges Bylaw.

Process

6. A report of every application shall be sent to City Council for consideration. The report to contain details of the application and of the proposed amendment or permit and any additional relevant information.

Permits - Issuance or Refusal

7. The Council may, upon receipt of the report under Section 6 of this bylaw refuse to issue the permit or grant approval in principle to the permit (or the permit as amended by Council).

Where Council grants approval in principle the application shall be postponed to a Regular Council Meeting for final consideration by Council.

Written notice shall be mailed or otherwise delivered to all adjacent property owners and tenants adjacent to the site of the application at least ten (10) days before final consideration of the said permit.

Bylaw Amendments - Approval or Refusal

8. The City Council may, upon receipt of the report under Section 6 of this bylaw, reject the application or proceed with an amendment bylaw and require that a Public Hearing be held.

Where Council proceeds with a Public Hearing, notice of the Public Hearing shall be mailed or otherwise delivered at least ten (10) days before the date of the said Public.

Hearing to the owners and tenants of all the parcels of land within the area of the amendment and to all the owners and tenants within 150 feet of the parcel subject to the amendment. This notice requirement does not apply if ten or more parcels owned by ten or more persons are the subject of the amendment.

A sign shall be erected on the subject site at least ten (10) days before the date of the Public Hearing, the sign specifications to be established by Council resolution.

Refusal – Bylaw Amendments and Permits

9. Where an application, amendment bylaw or a permit has been refused by the Council, the City Clerk shall notify the applicant in writing within fifteen (15) days immediately following the date of refusal and shall give reasons for refusal.

Delegation of Development Permit Issuing Authority

10. (a) At the option of the owner, despite the process provisions set out earlier herein, Council herein delegates its powers under Section 920 of the *Local Government Act*, R.S.B.C. 1996 c 323 to the City Planner or designate, in respect of minor development permit applications.
(b) For the purposes of this bylaw, a minor development permit application shall include:
 - (i) additions to existing buildings where the size of the addition is less than 930m² (10,000 ft²);
 - (ii) amendments to existing development permits, other than (i) above, that do not substantially alter the form and character approved in the original permit;
 - (iii) upgrading of facades to existing buildings;
 - (iv) applications involving a new duplex and multi-family development up to a maximum size of a fourplex; and
 - (v) construction of fences, roadways or trails in environmental protection areas
 - (vi) parking lots or alterations to existing lots
 - (vii) Environmental Protection Area Development Permits
 - (viii) Riparian Assessment Area Development Permit.
11. The owner of any property that is subject to the decision of the City Planner or designate pursuant to Section 10 above is entitled to have City Council reconsider a decision of the City Planner or designate on the following terms:

- a) within 30 days of the City Planner or designate's decision the applicant shall submit a letter to Council through the office of the City Clerk requesting that the decision of the City Planner or designate be reconsidered by Council;
- b) the City Planner or designate shall submit a report to Council attaching the applicant's development permit application and setting out the City Planner or designates' reasons for denying the application;
- c) at a date and time set by Council, the applicant shall have the opportunity to appear before Council and be heard regarding the City Planner's decision;
- d) following the applicant's opportunity to be heard, Council will reconsider the application and either uphold the City Planner or designates' decision to deny the application or approve the application."

Reapplication:

12. Subject to Section 895(3) of the *Local Government Act*, reapplication for an amendment or permit that has been refused by the Council shall not be considered within a six (6) month period immediately following the date of refusal.

READ A FIRST time this 4th day of October, 1993.
 READ A SECOND time this 4th day of October, 1993.
 READ A THIRD time this 4th day of October, 1993.
 RECONSIDERED and FINALLY PASSED and ADOPTED
 this 15th day of November, 1993.

 Mayor

 City Clerk

Certified a true copy of Bylaw
 No. 93-134 as adopted.

 City Clerk