



City of Kelowna
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Council Policy

Lapsed Development Permits

APPROVED January 15, 2001

RESOLUTION: R375/10/04/26
 REPLACING: R1039/08/11/24; R26/01/01/15
 DATE OF LAST REVIEW: April 2010

Where a development permit was issued in conjunction with the processing of a rezoning, land use contract amendment, heritage revitalization agreement, development variance permit, or other application involving a public process, and that development permit lapses:

1. If an application is subsequently made for a new development permit in regard to the same property:
 - (a) which would have the effect of altering any condition(s) set by the lapsed development permit, or of setting any new conditions which would have the effect of altering any of the following characteristics of the proposed development;
 - An increase or decrease in the total number of units or floor area by more than 10% of the previously approved total;
 - A change in the exterior design of the proposed building (i.e. height, general massing, architectural style, predominant colour scheme) that results in a change of the general form and character of the building;
 - A change in the location of parking, driveways, open space, accessory buildings or common amenities that would have an increased impact on adjacent or abutting residential land use;

Or

- (b) for a land use allowed under the existing zoning or land use contract that is different from the development proposal that was approved by the lapsed permit;

it shall be the responsibility of the applicant to:

- Canvas all property owners within a 100 metre radius of the boundary of the parcel for which the new development permit application is made at least 7 days prior to Council's consideration of the new application;
- provide property owners with a contact name and telephone number of the Development Planner at City Hall who can provide additional detail or receive comments from the property owners;
- clearly explain to those property owners how the condition(s) set by the previously granted but since lapsed development permit would be altered, and/or what new conditions would be set, should a new development permit be issued pursuant to the new application;
- collect written comments from each property owner being canvassed as to their support, opposition, or other opinions about the matter, reminding the property owners that they have the option of phoning in their comments to City Hall; and
- provide all such comments to the City prior to deadline date for submissions established by the City.

2. The applicant must provide proof to the City that the property owner was given the opportunity to comment by way of a copy of a written notice and proof of delivery to the listed address of the property owner.

REASON FOR POLICY

To ensure the public has input into development proposals that change after an approved Development Permit lapses.

LEGISLATIVE AUTHORITY

Council Resolution and Development Application Procedures Bylaw No. 8140

PROCEDURE FOR IMPLEMENTATION

As outlined in the policy.