

# VILLAGE OF PORT CLEMENTS

## BYLAW #399, 2013

**A Bylaw to provide the form, procedure and applicable fees for the issuance of Development Permits, Development Variance Permits and Temporary Use Permits.**

WHEREAS Council, pursuant to Sections 920, 921 & 922 of the Local Government Act, has the authority to require an owner to obtain a Development Permit, Development Variance Permit or Temporary Use permit and set the fees and procedures for such permit;

AND WHEREAS the Council of the Village of Port Clements have adopted Official Community Plan and Zoning Bylaws to direct them in decision making

NOW THEREFORE the Council of the Village of Port Clements, in open meeting assembled enacts as follows:

### 1 – Administration

- 1.1 This Bylaw may be cited as Bylaw #399, 2013 – Development, Variance and Temporary Use Permits and takes effect as of the date of adoption
- 1.2 Bylaw #213, 1990 and Bylaw #194, 1988 and any amendments are hereby repealed.
- 1.3 If any portion of this Bylaw is found invalid by a court of competent jurisdiction, it shall be severed and the severance shall not affect the validity of the remainder of the Bylaw.
- 1.4 In the case of Temporary Use permits the term temporary may vary from application to application but under no circumstances shall a permit be issued which extends beyond two years from the date of issuance.

### 2 – Scope

- 2.1 This Bylaw shall apply to applications to amend the Official Community Plan, Zoning Bylaw and the issuance of Development Permits, Temporary Use Permits and Development Variance Permits.
- 2.2 The entire area included in the Official Community Plan Bylaw #398, 2013 is hereby designated by Council as an area where Development Permits, Development Variance Permits and Temporary Use Permits may be allowed pursuant to Section 920.2 of the Local Government Act. The purpose of this designation is to provide Council with the ability to consider the issuance of a permit pursuant to Sections 920, 921 & 922 of the Local Government Act.

### 3 – Application

3.1 Applications shall be made by the owner of the land involved or by a person authorized by the owner in writing. All joint tenants and tenants in common must sign the application.

3.2 All applications shall be made on the forms provided on Schedule "B" attached to and forming a part of this Bylaw and shall, at a minimum, contain the following information:

3.2.1 Name, address and signature of applicant

3.2.2 Name, address and signature of registered owner(s) if different

3.2.3 Legal description and civic address of property

3.2.4 Present and proposed OCP and Zoning designations

3.2.5 Description of the existing and proposed use(s)

3.2.6 Two (2) copies of a site plan that illustrates existing and proposed buildings, setbacks, parking and landscaping

3.2.7 Reasons, comments or plans in support of the application.

3.3 Applications shall be submitted with the fees specified in Schedule "A" attached to and forming part of this Bylaw. An application is not made until all required fees and documentation have been received by the Village of Port Clements.

#### 4 – Application Review Procedure

4.1 The application shall be reviewed by Village Administration staff to ensure it is complete and the proper fees have been applied. The application will then be reviewed to the Public Works staff for comment. Finally the application will be referred to any applicable agencies for comment.

4.2 After 4.1 is complete the application will be referred to a Regular Meeting of Council. Any comments or recommendation by Administration, Public Works staff or referral agencies will accompany the application.

#### 5 – Notice

5.1 Notice of a Public Hearing on the adoption of an OCP or zoning Bylaw amendment, or notice that the Council proposes to pass a resolution to issue a Development, Development Variance or Temporary Use Permit, shall be mailed to all property owners and tenants within 60 metres from the legal boundary of the subject property.

5.2 Notice shall also be advertised in the local weekly paper for two consecutive weeks prior to the meeting date, shall be posted on a public board at the Administration office for at least two weeks prior to the meeting date and shall be posted in at least two other public locations two weeks prior to the meeting date.

6 – Permit Approval Procedure

6.1 After the application has been reviewed by all necessary agencies, considered by Council and completed the Public Hearing process, Council shall, by resolution:

6.1.1 Authorize the permit application as requested

6.1.2 Authorize the permit application as amended by Council in its resolution

6.1.3 Refuse the issuance of a permit

6.2 Council and Staff will make every effort to have a decision to the applicant within 120 days of application; however, this is not a guarantee that that timeline will be attainable.

6.3 Where an application has been refused by Council, Staff shall notify the applicant in writing within five (5) working days immediately following the date of refusal.

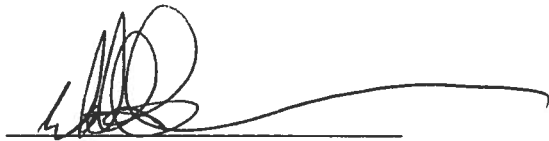
6.4 Subject to the requirements of the Local Government Act, re-application for a Bylaw amendment or permit that has been refused by Council shall not be considered within a six (6) month period immediately following the date of refusal.

READ A FIRST TIME THIS 15<sup>th</sup> DAY OF APRIL, 2013

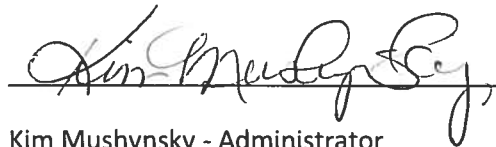
READ A SECOND TIME THIS 15<sup>th</sup> DAY OF APRIL, 2013

READ A THIRD TIME THIS 6<sup>th</sup> DAY OF MAY, 2013

RECONSIDERED AND ADOPTED THIS 21<sup>st</sup> DAY OF MAY, 2013



Wally Cheer – Mayor



Kim Mushynsky - Administrator

**SCHEDULE A – DEVELOPMENT, VARIANCE AND TEMPORARY USE PERMIT BYLAW # 399, 2013**

**FEE SCHEDULE**

1. Joint Official Community Plan & Zoning Bylaw Amendments	\$ 600.00
2. Official Community Plan or Zoning Bylaw Amendment	\$ 450.00
3. Temporary Use permit – less than 120 days	\$ 50.00
4. Temporary Use permit – 4-24 month	\$ 100.00
5. Development Permit	\$ 175.00
6. Development Variance Permit	\$ 175.00
7. Development Permit Amendment	\$ 100.00

Applications withdrawn, in writing, before staff and agency reviews are finalized shall be eligible for a 75% refund of the application fee.

Applications withdrawn, in writing, after all reviews are complete, but before the Public Consultation has been held, shall be eligible for a 50% refund of the application fee.

**SCHEDULE B – DEVELOPMENT, VARIANCE AND TEMPORARY USE PERMIT BYLAW # 399, 2013**

**APPLICATION FORM**

**APPLICATION TYPE:**

Joint OCP & Zoning Amendment (\$600.00)  
 Temporary Use <120 days (\$50.00)  
 Development Permit (\$175.00)  
 Development Permit Amendment (\$100.00)

OCP or Zoning Amendment (\$450.00)  
 Temporary Use 4-24 months (\$100.00)  
 Development Variance Permit (\$175.00)

**APPLICANT INFORMATION**

**APPLICANT:**

Name(s): \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax/Email: \_\_\_\_\_

**REGISTERED OWNER(S):**

Name(s): \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax/Email: \_\_\_\_\_

**SUBJECT PROPERTY INFORMATION**

Civic address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Description of the present use of the property: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Existing OCP designation: \_\_\_\_\_

Existing Zoning designation: \_\_\_\_\_

Proposed OCP designation: \_\_\_\_\_

Proposed Zoning designation: \_\_\_\_\_

**PROPOSAL DESCRIPTION (supplemental letter of intent/rationale is encouraged)**

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

**ATTACHMENT CHECKLIST**

PLEASE ATTACH THE FOLLOWING FOR ALL APPLICATIONS:

1. Letter of Authorization if the applicant is other than the Registered owner(s).
2. Site Plan showing:
  - a. Location of existing and proposed buildings and structures, lot dimensions and setbacks.
  - b. Parking areas, garbage areas and landscaping.
  - c. North arrow and scale
  - d. Measurements in metric (imperial measurements may also be included)
3. Supplemental letter of intent & rationale is strongly encouraged but not required – however lack of this information could hinder agencies in making a favourable decision.
4. Other information you feel would be helpful or necessary to assess the development proposal.

**AUTHORIZATION**

As the applicant or approved agent, I hereby make application in accordance with the above-stated information and declare that the statements are true and correct.

I understand that this application form is a public document and that any and all information contained in it, including personal information as defined in the Freedom of Information and Protection of Privacy Act (FOIPPA) BC, is open for inspection by the public and may be reproduced and distributed to the public as part of a report(s) to Council or for purposes of a Public Hearing.

I acknowledge that fees per the Village of Port Clements Development, Variance and Temporary Use Permit Bylaw #399, 2013 do not imply or guarantee application approval.

Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness to Applicant Signature: \_\_\_\_\_

Printed name of Witness: \_\_\_\_\_