

**VILLAGE OF PORT CLEMENTS
BYLAW #476, 2022**

A BYLAW TO ESTABLISH THE PROCESSING OF LAND DEVELOPMENT
APPLICATIONS INCLUDE AMENDMENTS OF AN OFFICIAL COMMUNITY PALN
BYLAW AND ZONING BYLAW

WHEREAS Council has adopted an Official Community Plan, and a Zoning Bylaw;

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

AND WHEREAS Council must, under the *Local Government Act* Section 460, by bylaw establish procedures to amend an Official Community Plan, Zoning Bylaw or issue a permit;

AND WHEREAS Council may, under the *Local Government Act* Section 502, require that the *Applicant* apply for a permit that provides 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;

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

1.0 TITLE

1.1 This bylaw may be cited for all purposes as the 'Land Development Applications Procedures Bylaw #476, 2022'.

2.0 SCHEDULES

2.1 The following schedules are attached to and form a part of this Bylaw:
(A) Notice of Development Sign Requirements;
(B) OCP and Zoning Bylaw Amendments Processing Procedure;
(C) Development Variance Permit Processing Procedure;
(D) Temporary Use Permit Processing Procedure;
(E) Development Permit Processing Procedure; and
(F) Fees;

3.0 DEFINITIONS

APPLICATION means an application for a development permit, development variance permit, a temporary use permit, an amendment to an official community plan or zoning bylaw submitted to the *Village* of Port Clements as per this bylaw.

COUNCIL means the *Council* of the *Village* of Port Clements.

VILLAGE means the *Village* of Port Clements, inclusive of any responsibilities it may assign to employees or to agents acting on its behalf.

4.0 SCOPE

- 4.1 This bylaw applies to *Applications* and Fees impose in relation to:
 - 4.1.1 an amendment to an Official Community Plan Bylaw;
or a Zoning Bylaw; and
 - 4.1.2 the issuance of a Development Permit, Development Variance Permit and Temporary Use Permit.

5.0 APPLICATION

- 5.1 *Applications* shall be:
 - 5.1.1 made by the owner of the land that is the subject of Application or by a person authorized in writing by the owner;
 - 5.1.2 made to the *Village*; and
 - 5.1.3 accompanied by the required information identified on the Land Development Application forms.

6.0 FEES

- 6.1 At the time an *Application* is made the *Applicant* shall pay to the *Village* an *Application* fee in the amount set out in Schedule F of this Bylaw.

7.0 NOTICE OF DEVELOPMENT SIGNS

- 7.1 In the case of *Applications* to amend an Official Community Plan Bylaw, Zoning Bylaw or apply for Development Variance or Temporary Use Permits, the *Applicant* shall be responsible for erecting a development notification sign in accordance with the specifications outlined in Schedule A.
- 7.2 Notwithstanding section 7.1, where 10 or more parcels owned by 10 or more persons are proposed to be rezoned, a development notification sign shall not be required.

8.0 PROCESS – OFFICIAL COMMUNITY PLAN, ZONING BYLAW AMENDMENT APPLICATIONS

- 8.1 An *Application* for an Official Community Plan or Zoning Bylaw amendment must be processed as outlined in Schedule B of this Bylaw.
- 8.2 In the case of an *Application* to amend a Zoning Bylaw, where an Official Community Plan Bylaw is in place, a public hearing may be waived subject to meeting the requirements of Section 464 (2) of the *Local Government Act* and approval from the *Village Council*. In instances where a public hearing is waived, public notice must be published as required under Section 467 of the *Local Government Act*.

9.0 PROCESS – DEVELOPMENT VARIANCE APPLICATIONS

- 9.1 The *Village* will process an *Application* for a Development Variance Permit following the procedures outlined in Schedule C of this Bylaw.

10.0 PROCESS – TEMPORARY USE PERMIT APPLICATIONS

- 10.1 The *Village* will process an *Application* for a Temporary Use Permit following the procedures outlined in Schedule D of this Bylaw.

11.0 PROCESS – DEVELOPMENT PERMIT APPLICATIONS

11.1 The *Village* will process an *Application* for a Development Permit following the procedures outlined in Schedule E of this Bylaw.

12.0 NOTIFICATION OF REFUSAL

12.1 Where an *Application* has been refused by the *Council*, Council will notify the *Applicant* in writing within fourteen (14) days following the date it was not approved.

13.0 NOTIFICATION

13.1 Pursuant to the *Local Government Act* Sections 466, 467, 468, 494 and 499, a notice where required for amendments to the Official Community Plan, or Zoning Bylaw, or for the issuance of a development variance or temporary use permits, shall be mailed or otherwise delivered to owners and any tenants of land on the property which is the subject of the *Application* and within a minimum distance of 100 meters from the property which is the subject of the *Application*.

14.0 RE-APPLICATION

14.1 Subject to Section 460 (3) of the *Local Government Act*, where an *Application* has been refused by Development Staff and/or *Council* it shall not be re-considered for a six (6) month period from the date of refusal.

15.0 EXPIRY OF APPLICATION

15.1 A permit expires within eighteen (18) months from the approval date is deemed to have expired and requires a new *Application*.

16.0 SEVERABILITY

16.1 If any portion of this bylaw is for any reason held to be invalid by a Court of competent jurisdiction, the invalid portion shall be severed and the portion that is invalid shall not affect the validity of the remainder of this bylaw.

17.0 REPEAL

17.1 "The Village of Port Clements Rezoning, and Amendments to the Official Community Plan Procedures, Form, and Application Fee Bylaw #185, 1990" and "Development, Variance and Temporary Use Permits Bylaw #399, 2013" are hereby repealed.

READ A FIRST TIME THIS 7 DAY OF FEBRUARY 2022
READ A SECOND TIME THIS 7 DAY OF FEBRUARY 2022
READ A THIRD TIME THIS 22 DAY OF FEBRUARY 2022
RECONSIDERED AND ADOPTED THIS 7 DAY OF MARCH 2022


Doug Daugert
MAYOR


Elsie Lemke
Margee Dobson, on behalf of
CHIEF ADMINISTRATIVE OFFICER

CERTIFIED A TRUE COPY OF
Land Development Applications Procedures Bylaw #476, 2022

SCHEDULE "A"

Attached to and forming part of Land Development Applications Procedures Bylaw #476, 2022

NOTICE OF DEVELOPMENT

SIGN REQUIREMENTS

These requirements apply to *Applications* for amendments to the Official Community Plan and Zoning Bylaws, and for Development Variance and Temporary Use Permits where required.

Where an *Application* is submitted the *Applicant* shall post a notification sign on the subject property, and shall:

1. Erect the sign on street frontage of the site to inform the public about the nature and purpose of the *Application*. The sign shall be clearly visible from the street and be securely fixed to either the building or the ground. The sign shall be located a minimum 1 meter above the ground.
2. The sign shall be prepared by the *Village* and posted on the subject property at least 10 days prior to the *Application* being considered by *Council*. The *Applicant* must verify to the *Village* that the sign has been erected by submitting a photo of the installed sign.
3. The development sign is the property of the Village of Port Clements. It is the responsibility of the *Applicant* to pick up, install, and return the sign to the *Village* office.
4. The *Applicant* is to remove and return the sign within one week of the *Application* being refused or approved by *Council*, or within one week of the *Application* being withdrawn by the *Applicant*.
5. Failure to install the sign according to these requirements will result in a postponement in the processing of the *Application*.
6. A security deposit in the amount set out in Schedule F is required for Official Community Plan and/or Zoning Bylaw amendments, Development Variance and Temporary Use Permit *Applications*.

SCHEDULE “B”

Attached to and forming part of Land Development Applications Procedures Bylaw #476, 2022

OCP AND ZONING BYLAW AMENDMENTS PROCESSING PROCEDURE

APPLY

1. Upon receipt of an *Application* accompanied by the required fees and attachments, staff will open a file and issue a receipt to the *Applicant*.

REVIEW

2. Staff will review the *Application* to determine whether it is complete and, if incomplete, will request the required information from the *Applicant*. If the *Applicant* does not provide the required information within a timeframe identified at the discretion of Development Services staff, the *Application* and fees will be returned to the *Applicant*.

REFER

3. Development Services staff will refer the *Application* to *Village* departments, government ministries and agencies as applicable, and in accordance with section 475 and 476 of the *Local Government Act*. The proposal may also be referred to the North Coast Regional District if the *Application* could affect that jurisdiction.
4. The referral agencies' comments will then be incorporated into a staff report to *Council*.

NOTIFY PUBLIC

5. No later than 10 days prior to the *Application* being considered by *Council* the *Applicant* is required to erect a Notice of Development Sign in accordance with the requirements outlined in Schedule A of this bylaw.

COUNCIL CONSIDERATION AND PUBLIC HEARING

6. *Council* will, upon receipt, consider the staff report and the amending bylaws.
7. If a Public Hearing is required and after an amending bylaw receives First Reading and before the Third Reading, a Public Hearing will be advertised in an appropriate newspaper. If required, a Public Hearing will be held to permit the public to comment on the *Application*. Notice of a Public Hearing will be given pursuant to the *Local Government Act* to owners of all parcels within a distance of 100 meters of the property that is the subject to the Land Development Application.

COUNCIL DECISION

8. Following the Public Hearing, *Council* will consider the amendment bylaw and may proceed with Third Reading and Adoption, or refer, or table the amendment.

NOTIFY APPLICANT

9. The *Applicant* will be notified in writing of the outcome.

SCHEDULE "C"

Attached to and forming part of Land Development Applications Procedures Bylaw #476, 2022

DEVELOPMENT VARIANCE PERMIT PROCESSING PROCEDURE

APPLY

1. Upon receipt of an *Application* accompanied by the required fees and attachments, Development Services staff will open a file and issue a fee receipt to the *Application*.

REVIEW

2. Staff will review the *Application* to determine whether it is complete and, if incomplete, will request the required information from the *Applicant*. If the *Applicant* does not provide the required information within a timeframe identified at the discretion of staff, the *Application* and fees will be returned to the applicant.
3. Staff will evaluate the proposal for compliance with relevant *Village* bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process.

REFER

4. Staff will refer the *Application* to all applicable *Village* departments, government ministries, and agencies as applicable or required by legislation. The proposal will also be referred to the North Coast Regional District if the *Application* could affect its jurisdiction.
5. The referral agencies' comments will then be incorporated into a staff report with a recommendation to *Council*.

NOTIFY PUBLIC

6. No later than 10 days prior to the *Application* being considered by *Council* the *Applicant* is required to erect a Notice of Development Sign in accordance with the requirements outlined in Schedule A of this bylaw.
7. Notice of the Development Variance Permit *Application* will be issued no later than 10 days prior to the *Application* being considered by *Council*, pursuant to the *Local Government Act*, to owners of all parcels within a distance of 100 meters of the property subject to the *Application*.

COUNCIL DECISION

8. *Council* will consider the staff report and may, by resolution, grant or deny the requested permit, or alternatively refer, or table the *Application*.
9. The *Applicant* will be notified, in writing, of the outcome.

REGISTRATION

10. If a Development Variance Permit is granted, a Notice of Permit will be **registered against the title** of the property(s) at the Land Title Office.

PERMIT

11. If a Development Variance Permit is granted, the permit will be issued.

SCHEDULE "D"

Attached to and forming part of Land Development Applications Procedures Bylaw #476, 2022

TEMPORARY USE PERMIT PROCESSING PROCEDURE

APPLY

1. Upon receipt of an *Application* accompanied by the required fees and attachments, Development Services staff will open a file and issue a fee receipt to the *Applicant*.

REVIEW

2. Staff will review the *Application* to determine whether it is complete and, if incomplete, will request the required information from the *Applicant*. If the *Applicant* does not provide the required information within a timeframe identified at the discretion of staff, the *Applicant* and fees will be returned to the *Applicant*.
3. Staff will evaluate the proposal for compliance with relevant *Village* bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process.

REFER

4. Staff will refer the *Application* to all applicable *Village* departments, government ministries, and agencies as applicable or required by legislation. The proposal will also be referred to the North Coast Regional District if the *Application* could affect its jurisdiction.
5. The referral agencies' comments will then be incorporated into a staff report with a recommendation to *Council*.
6. The recommendation may identify as a condition of the issue of a permit, that the *Applicant* for the permit provide security requirements in an amount stated in the permit to guarantee the performance of the terms of the permit, subject to section 502 of the *Local Government Act* (as amended from time to time).

NOTIFY PUBLIC

7. No later than 10 days prior to the *Application* being considered by *Council* the *Applicant* is required to erect a Notice of Development Sign in accordance with Schedule A of this bylaw.
8. Notice of the Temporary Use Permit *Application* will be issued no later than 10 days prior to the *Application* being considered by *Council*, pursuant to the *Local Government Act*, to owners of all parcels within a distance of 100 meters of the property subject to the *Application*.

PUBLIC HEARING

9. Public Hearing requirements will be followed as per section 494 of the *Local Government Act*.

COUNCIL DECISION

10. *Council* will consider the staff report and may, by resolution, grant or deny the requested permit, or alternatively refer, or table the *Application*.
11. The applicant will be notified, in writing, of the outcome.

REGISTRATION

12. If a Temporary Use Permit is granted, a Notice of Permit will be **registered against the title** of the property(s) at the Land Title Office.

PERMIT

13. The owner of land to which a Temporary Use Permit has been issued shall have the right to put the land to the use described in the permit for a period of 3 years or until the date specified in the permit, whichever is the lesser period.

SCHEDULE "E"

Attached to and forming part of Land Development Applications Procedures Bylaw #476, 2022

DEVELOPMENT PERMIT AREA PROCESSING PROCEDURE

APPLY

1. Upon receipt of an *Application* accompanied by the required fees and attachments, Development Services staff will open a file and issue a receipt to the *Applicant*.

REVIEW

2. Staff will review the *Application* to determine whether it is complete and, if incomplete, will request the required information from the *Applicant*. If the *Applicant* does not provide the required information within a timeframe identified at the discretion of the staff, the *Application* and fee will be returned to the *Applicant*.
3. Staff will evaluate the proposal for compliance with relevant *Village* bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process. The *Application* does not require a Notice of Development Sign or written notice to adjacent property owners.

REFER

4. Staff will refer the *Application* to all applicable *Village* departments, government ministries and agencies as applicable.
5. The referral agencies' comments will then be incorporated into a staff report to *Council*.

CONDITIONS

6. The recommendation may identify as a condition of the issue of a permit, that the *Applicant* for the permit provide security requirements in an amount stated in the permit to guarantee the performance of the terms of the permit, subject to section 502 of the *Local Government Act*.
7. The *Applicant* may be required to provide a report to assist the local government in determining what conditions or requirements it will impose for the protection of the natural environment, its ecosystems and biological diversity, or *protection from hazardous conditions*. The report must be provided by the *Applicant* at the *Applicant's* expense and be certified by a qualified professional with experience relevant to the applicable matter, as per section 491 of the *Local Government Act*.

STAFF DECISION

8. The staff report and qualified professional report will be provided to Development Services staff for review and decision. Development Services staff has the ability to refer the *Application* directly to *Council* for decision.
9. If the decision is made by Development Services the *Applicant* will be notified, in writing, of the outcome.

10. No response from the *Applicant* within a 14 day period will be deemed as acceptance of the terms of the Development Permit.

APPEAL & COUNCIL DECISION

11. If the *Applicant* is dissatisfied with the decision of the staff of Development Services, the *Applicant* has 14 days to appeal to *Council*. The Permit is suspended until *Council* renders a final decision. *Council* shall decide the matter **via resolution** and give direction to the staff of Development Services, who shall issue the permit or not accordingly.
12. In some cases where a Development Variance request is included in a Development Permit *Application*, the decision on the issuance of the Development Permit is made by *Council* **via resolution**. A decision by *Council* is considered final. If *Council* refuses the *Application* for variance, no further similar *Applications* shall be considered by *Council* for six months.

REGISTER

13. If a Development Permit is granted, a Notice of Permit will be **registered against the title** of the property(s) at the Land Title Office.

PERMIT

14. Once any and all relevant conditions have been satisfied (i.e. a letter of credit has been submitted for security if applicable) notification is provided to the relevant agencies.
15. Staff may conduct inspections, on an as-required basis, to ensure that the terms of the Development Permit are being satisfied.

SCHEDULE "F"

Attached to and forming part of Land Development Applications Procedures Bylaw #476, 2022

FEES

APPLICATION TYPE:	FEE:
OFFICIAL COMMUNITY PLAN AND/OR ZONING AMENDMENT	\$1,200
DEVELOPMENT VARIANCE PERMIT APPLICATION	\$350
TEMPORARY USE PERMIT APPLICATION	\$600
DEVELOPMENT PERMIT APPLICATION	\$350
PUBLIC HEARING	\$300
"NOTICE OF DEVELOPMENT SIGN" SECURITY DEPOSIT	\$150