

DEVELOPMENT APPROVAL
AND
NOTIFICATION BYLAW 2008

THE CORPORATION OF THE VILLAGE OF BURNS LAKE
BYLAW NO. #886

A bylaw to establish development approval and notification procedures.

A Bylaw of The Corporation of the Village of Burns Lake (hereinafter called “the Village”) to establish procedures to amend an Official Community Plan or a Zoning Bylaw or to issue a permit under Section 920 of the Local Government Act.

WHEREAS PART 26 of the *Local Government Act* provides for applications for amending an official community plan, a zoning bylaw, a land use contract, the issuance of development permits, development variance permits, and temporary use permits, the review of subdivisions, the establishment of procedures pertaining to these, and the notification of property owners;

AND WHEREAS Section 895 of the *Local Government Act* provides that where a local government has adopted an official community plan or a zoning bylaw, the local government must, by bylaw, define procedures under which an owner of land may apply for an amendment to the plan or bylaw or for the issuance of a permit under Part 26 of the *Local Government Act*;

NOW THEREFORE, The Council of the Village of Burns Lake, in open meeting assembled, enacts the following:

PART 1: SHORT TITLE

- 1.1 This bylaw may be cited for all purposes as the “Village of Burns Lake Development Approval Procedures and Notification Bylaw No. 886”.

PART 2: SEVERABILITY

- 2.1 If any section, subsection, paragraph or clause of this bylaw is for any reason held to be invalid by the decisions of any court of competent jurisdiction, such sections, subsections, paragraph or clause may be severed from the bylaw and such decisions shall not affect the validity of the remaining portions of this bylaw.

PART 3: APPLICATION

- 3.1 This bylaw shall apply to the following:
- (a) amendments to an official community plan, a zoning bylaw, and;
 - (b) issuance of development variance permits and development permits.

PART 4: AMENDMENT APPLICATIONS

- 4.1 An application for an amendment to the Official Community Plan or the Zoning Bylaw must be made on an approved form, signed by the agent, if applicable, and the owners of the lot or lots affected and must be accompanied by the appropriate application fee as outlined in Development Application Fees Bylaw, as amended from time-to-time.

- 4.2 Despite Part 3, Section 1, the Council may initiate and consider an amendment to the Official Community Plan or Zoning Bylaw without owner(s) written consent.
- 4.3 The application must include the following:
- (a) the completed application form;
 - (b) documentation of current ownership in the form of a Certificate of Title no more than 3 months old;
 - (c) a written statement to describe and justify the proposal; and
 - (d) any additional information the Village may require, in order to prepare, evaluate, and make a recommendation concerning the proposed amendment.
 - (e) development approval information pursuant to Section 920.1 of the *Local Government Act* which may include information on the anticipated impact of the proposed activity or development on the community, including but not limited to:
 - i) traffic impacts;
 - ii) local infrastructure;
 - iii) public facilities including school and parks;
 - iv) community services; and
 - v) the natural environment of the area affected.
- 4.4 The requirements detailed in 4.3 may be waived if the information is not relevant to the application.
- 4.5 On receipt of a complete application, the application will be reviewed and a report will be forwarded to Council.
- 4.6 Council may, upon receiving the report:
- (a) authorize drafting of bylaw pursuant to the application;
 - (b) forward the amending bylaw or bylaws to a public hearing;
 - (c) reject or refuse the application; or
 - (d) defer or otherwise deal with the application.
- 4.7 When Council refers a bylaw to a public hearing, the officer or authorized employee of the municipality will:
- (a) prepare the bylaw and forward it to Council for first reading;
 - (b) after first reading, refer those bylaws subject to Section 54(2) of the *Transportation Act* to the Ministry of Transportation for comments or recommendations;
 - (c) place the bylaw on the agenda of the next appropriate public hearing agenda; and
 - (d) give notice of the public hearing as required by the *Local Government Act* and this bylaw.

- 4.8 Where an amendment bylaw alters the permitted use or density of an area, and the *Local Government Act* requires that notice of the public hearing must be mailed or otherwise delivered to the owners and tenants in occupation of land, the notice must be given to the owners and tenants in occupation of all lots:
- (a) any part of which is subject of the bylaw alteration; or
 - (b) located within 100 m from the land that is subject of the bylaw alteration.
- 4.9 The notification outlined in Section 4.8 is not required if 10 or more parcels owned by 10 or more persons are the subject of the bylaw alteration.
- 4.10 After the public hearing on a bylaw has been terminated, Council must consider the amending bylaw, and may:
- (a) give second or third reading, or both, to the bylaw;
 - (b) give second, and third readings and adopt the bylaw;
 - (c) decline to give any reading to the bylaw; or
 - (d) otherwise deal with the bylaw.
- 4.11 Council may consider final adoption of an amendment bylaw:
- (a) after three readings have been given;
 - (b) where a development permit is required by the Official Community Plan, upon receipt of a report from the officer of the municipality stating that a development permit has been prepared and is ready for Council consideration; and
 - (c) where approval by the Ministry of Transportation and Highways or another authority or body is required by statute or regulation, following receipt of written approval from the authority.
- 4.12 Despite Section 4.11, Council may consider final adoption of an amendment bylaw after three readings are given and where the bylaw is otherwise dealt with by Council.

PART 5: DEVELOPMENT PERMITS AND DEVELOPMENT VARIANCE PERMITS

- 5.1 An owner of land designated as a development permit area in the Official Community Plan must obtain and hold a valid development permit prior to development.
- 5.2 Council may, by resolution, issue:
- (a) development permits for land designated as a Development Permit Area within the Official Community Plan;
 - (b) development permits that vary or supplement this or other bylaws as authorized by section 920 of the *Local Government Act*; and
 - (c) development variance permits that vary a bylaw under Division 7, 8, or 11 of Part 26 of the *Local Government Act* or a bylaw under Section 694(1)(j) of the *Local Government Act*.
- 5.3 The uses or density of land use permitted under the zone designation of the Zoning Bylaw may not be varied by Council by development permits.

- 5.4 Development permits are not required within the specified Development Permit Areas under the following conditions:
- (a) for internal alteration which does not affect the outer appearance of the building;
 - (b) for minor upgrading or repair of the external covering of existing building (i.e. roofing or siding) with similar materials;
 - (c) for improvements where building permit values total \$50,000 or less;
 - (d) for subdivisions of land zoned commercial, industrial or multi-family where no additional lots are created and/or any future development or land use will be required to obtain a Development Permit prior to issuance of Building Permit.
- 5.5 An application for a development variance permit or development permit must be made on an approved form, signed by the applicant and the registered owner of the land affected or his or her duly authorized agent and must be accompanied by the appropriate application fee as outlined in Development Application Fees Bylaw, and as amended from time to time.
- 5.6 The application must be accompanied by the following:
- (a) the completed application form;
 - (b) documentation of current ownership in the form of a Certificate of Title no more than 3 months old;
 - (c) a written statement to describe and justify the proposal;
 - (d) any additional information the Village may require, in order to prepare, evaluate, and make a recommendation concerning the proposed permit;
 - (e) development approval information pursuant to Section 920.1 of the *Local Government Act* which may include information on the anticipated impact of the proposed activity or development on the community, including but not limited to:
 - i) traffic impacts;
 - ii) local infrastructure;
 - iii) public facilities including schools and parks;
 - iv) community services; and
 - v) the natural environment of the area affected.
- 5.7 The application will be reviewed and a report will be forwarded to Council.
- 5.8 An officer or authorized employee of the municipality must mail or otherwise deliver notice of a proposed Council consideration of a development variance permit to the owners and tenants in occupation of all lots, any part of which is:
- (a) the subject of the proposed permit; or
 - (b) located within 30 m from the land that is the subject of the proposed permit.
- 5.9 Development variance permits and development permits will be considered by Council and will be authorized, authorized as amended, rejected, refused, or otherwise dealt with by resolution.

- 5.10 Where landscaping is a condition of a Development Permit or Development Variance Permit approved by Council, the applicant must provide a security deposit in the form of either, an irrevocable letter of credit, cash, or certified cheque in a form satisfactory to the Village in the amount of 125% of the estimated cost of the landscaping.
- 5.11 The letter of credit for landscaping may be reduced proportionately as the areas of the site are completed and accepted.
- 5.12 Council may require the applicant to post security in a form satisfactory to the Village as a condition of a development permit or development variance permit pursuant to Section 925 (2)(b) or (c) of the *Local Government Act* with respect to an unsafe condition or the protection of the natural environment.
- 5.13 If landscape construction and planting is not completed by the date of expiry of the letter of credit, or an unsafe condition or damage to the natural environment has resulted as a consequence of the violation of the permit, the Village may cash the security deposit for the purposes of entering upon the subject property and completing the landscape construction and planting, or undertake works to correct the unsafe condition or correct the damage to the natural environment.
- 5.14 Upon completion of the landscape construction and planting, the Village may withhold ten percent of the security deposit for one growing season unless the applicant has provided the Village with warranties covering soft and hard landscaping for the same period.

PART 6: RE-CONSIDERATION OF REQUIREMENT FOR DEVELOPMENT APPROVAL INFORMATION

- 6.1 Where an applicant or owner is dissatisfied with a decision made by an officer or authorized employee of the municipality regarding development approval information pursuant to Sections 4.3 or 5.6 of this bylaw, the applicant or owner may apply to the Council for reconsideration of the matter within 30 days of the decision being communicated to them.
- 6.2 An application for reconsideration must:
 - (a) be delivered in writing to the Village;
 - (b) set out the grounds upon which the applicant considers the requirement or decision is inappropriate; and
 - (c) what, if any, requirement or decision the applicant considers the Council ought to substitute.
- 6.3 The meeting regarding the application for reconsideration must not be held earlier than two weeks from the date the application was received.
- 6.4 Notification of the meeting must be given to the applicant and any other party who the Village reasonably considers may be affected by the reconsideration.
- 6.5 At the meeting, the Council may:
 - (a) hear from the applicant and any other person interested in the matter under reconsideration who wishes to be heard; and
 - (b) may either confirm the requirement or decision of the officer or authorized employee of the municipality or substitute its' own requirement or decision.

PART 7: REFUSED APPLICATIONS

7.1 Applications that have been refused:

- (a) will not be considered within a six month period immediately following the date of refusal;
- (b) despite 7.1(a), pursuant to Section 895(3) of the *Local Government Act*, the time limit may be varied in relation to a specific reapplication by an affirmative vote of at least 2/3 of the local government members eligible to vote on the reapplication.

READ A FIRST TIME this 30TH day of SEPTEMBER, 2008.

READ A SECOND TIME this 30TH day of SEPTEMBER, 2008.

READ A THIRD TIME this 14TH day of OCTOBER, 2008.

ADOPTED this 28TH day of OCTOBER, 2008.

MAYOR

CORPORATE OFFICER

Certified to be a true copy of the "*Corporation of the Village of Burns Lake Development Approval and Notification Bylaw #886, 2008*".