



VILLAGE OF BURNS LAKE DEVELOPMENT PROCEDURES BYLAW NO. 994, 2019

*A bylaw to establish procedures for
land use and development applications*

WHEREAS Section 460 of the *Local Government Act* requires that a local government define by bylaw the procedures under which an Owner of land may apply for an amendment to the Official Community Plan or Zoning Bylaw, or for the issuance of a permit under Part 14 of the *Local Government Act*;

AND WHEREAS under Section 462 of the *Local Government Act* a local government may adopt a bylaw which imposes certain application, administration, inspection, and other fees;

AND WHEREAS the *Local Government Act* and the *Community Charter* provide local governments with various authority pertaining to matters dealt with in this bylaw;

NOW THEREFORE the Village of Burns Lake in open meeting assembled enacts as follows:

1. TITLE

- 1.1. This bylaw may be cited as "Village of Burns Lake Development Procedures Bylaw No. 994, 2019".

2. REPEAL AND DATE OF EFFECT

- 2.1. The "Village of Burns Lake Development Approval Procedures and Notification Bylaw No. 668" and any amendments thereto are hereby repealed.

3. GENERAL PROVISION

- 3.1. This Bylaw shall apply to all lands within the Village of Burns Lake.
- 3.2. Any person wishing to do any of the following must make application to the Village in accordance with this Bylaw.
 - 3.2.1 Amend an Official Community Plan or Zoning Bylaw.
 - 3.2.2 Amend or discharge a land use contract.



- 3.2.3 Receive a Land Use Permit (development permit, temporary use permit, development variance permit).
 - 3.2.4 Obtain Council approval for a strata conversion, or the marketing of a shared interest in land.
 - 3.2.5 Obtain an exemption from a flood plain specification pursuant to Section 524 (7) of the *Local Government Act*.
 - 3.2.6 Obtain Council's approval for an amendment to, or discharge of, a Covenant
- 3.3. In this bylaw the following definitions apply:
- "Applicant"** means the property owner(s), or the property owner's agent, making application pursuant to this bylaw.
- "Council"** means the Council of the Village of Burns Lake.
- "CAO"** means the Chief Administrative Officer for the Village of Burns Lake.
- "Owner"** mean the registered owner of land as verified by the Village either through a Certificate of Title or the BC Assessment Roll.
- "Village"** means the Corporation of the Village of Burns Lake.
- 3.4. Unless otherwise defined in this bylaw, all words and phrases in this bylaw shall have the meaning given to them in the *Local Government Act*.

4. APPLICATION PROCEDURES

- 4.1. Applications must be made using the Application Form prescribed by the CAO.
- 4.2. The Application Form must be signed by the Owner(s) of the land involved or an agent acting on behalf of the Owner(s) provided that the agent has written authorization to represent the Owner(s) regarding the application. All joint tenants and tenants in common must sign the Application Form or provide written authorization to an agent acting on their behalf. Sections 4.1 and 4.2 do not apply to Application Forms submitted by the Village of Burns Lake.
- 4.3. The following information shall be submitted, at the property Owner's expense, with an Application Form. The CAO or the Council may waive the requirement to provide information if the CAO or the Council determines the information is not necessary to assist in evaluation or consideration of the application.
 - 4.3.1. A copy of the Certificate of Title dated within 30 days of the date of the Application.



- 4.3.2. A complete Application Form.
- 4.3.3. Documents and plans that clearly describe the application, and any proposed use or development.
- 4.3.4. Documents and plans that clearly demonstrate compliance with the existing or proposed regulations, as applicable.
- 4.4. The CAO or Council may request additional information determined to be necessary to assist the CAO or Council in their consideration of the application.
- 4.5. Every application shall be made to and be processed under the direction of the CAO, or designate.
- 4.6. Where an Owner is registering a Covenant or other charge involving the Village on title of a property in association with an application, the Village must sign the covenant prior to registration, and it shall be the Owner's responsibility to prepare and file the document and provide proof of Land Title registration to the satisfaction of the Village. The Owner shall reimburse the Village for its legal fees to prepare or review these legal documents.

5. FEES

- 5.1. Applications shall include the applicable fee identified by bylaw. Fees are not required for Applications submitted by the Village of Burns Lake.
- 5.2. The application fee may be waived or reduced by an affirmative vote of at least two-thirds (2/3) of Council Members eligible to vote.
- 5.3. An application shall be deemed not to have been made until the required application fee and information required pursuant to Section 4.3 of this bylaw has been received by the Village.
- 5.4. The application fee for an Official Community Plan or Zoning Bylaw amendment, a land use contract amendment or discharge, and an amendment to a Covenant shall be refunded as follows.
 - 5.4.1. 50% of the fee shall be refunded if the application is withdrawn or denied by the Council prior to the provision of notice of a public hearing.
 - 5.4.2. no fee shall be refunded once notice of a public hearing has been provided.
- 5.5. The Application fee for a Land Use Permit, or an exemption from a flood plain specification, shall be refunded as follows.



- 5.5.1. 50% of the fee shall be refunded if the Application is withdrawn prior to provision of notice of Council consideration of a permit.
- 5.5.2. no fee shall be refunded once notice of a permit has been provided, or the permit has been considered by the Council.
- 5.6. The application fee for an Official Community Plan or Zoning Bylaw amendment, or land use contract amendment or discharge, includes the holding of one Public Hearing in association with the application. Where another Public Hearing is required, as a result of the actions of the Applicant, an additional \$800 application fee is required for each additional Public Hearing.
- 5.7. Where a Public Hearing is required prior to the amendment of a Covenant, an additional \$800 application fee is required for each Public Hearing.
- 5.8. Where an application is for the purpose of legalizing an existing bylaw contravention, the application fee shall be one and a half times the total amount prescribed by bylaw.
- 5.9. Application fees are non-refundable once the application review process has been initiated by staff, except as stated in Section 5 of this bylaw.

6. PUBLIC HEARING NOTICE REQUIREMENTS

- 6.1 Where notice of a public hearing is required to be mailed or otherwise delivered in accordance with Section 466 (4) of the *Local Government Act* that notice must be delivered to parcels within a distance of 50 metres of the area that is subject to the bylaw alteration.
- 6.2 Where notice of a public hearing is required in accordance with Section 466 (4) of the *Local Government Act* the Applicant shall post, and maintain, a sign at least 10 days before the public hearing.
- 6.3 A sign required under Section 6.2 must be posted, and removed, in accordance with the following:
 - 6.3.1 The sign shall be a minimum of 1.2 x 1.2 metres in dimension.
 - 6.3.2 The sign shall be constructed of plywood, corrugated plastic, or other such durable material.
 - 6.3.3 The sign shall have clearly visible lettering that is not less than 6 cm in height.
 - 6.3.4 The sign shall contain the following wording.



"This site is the subject of an application that may impact the use or development of land. For further information please contact the Village of Burns Lake at (insert phone number)."

- 6.3.5 The sign shall be located within 3 metres of a property line abutting a public road in a location facing and clearly visible from the road.
- 6.3.6 If the placement of the sign in accordance with Section 6.3.5 is not feasible the sign shall be located on the nearest abutting road or in another location approved by the CAO.
- 6.3.7 The sign shall be placed so as not to interfere with pedestrian or vehicle traffic flow, or obstruct visibility from a highway, lane, walkway or driveway.
- 6.3.8 The sign shall be installed in a safe and sturdy manner and be capable of withstanding typical wind and other weather conditions.
- 6.3.9 The sign shall be removed within 3 days of the conclusion of the related public hearing.
- 6.4 Failure to post and keep posted the sign in accordance with this bylaw may result in the postponement of the public hearing. Any additional notification costs incurred by the Village of Burns Lake resulting from a failure to post, and keep posted, the sign shall be paid by the Applicant prior to the advertising of the public hearing.
- 6.5 Where a sign required under this bylaw is removed, destroyed, or altered due to vandalism or theft the validity of any bylaw that is the subject of the relevant application and public hearing shall not be impacted.

7 LAND USE PERMITS AND FLOODPLAIN EXEMPTION

- 7.1 Where notice relating to a Land Use Permit is required to be mailed or otherwise delivered in accordance with Section 494 or 499 of the *Local Government Act* that notice must be delivered to parcels within a distance of 30 metres of the area that is subject to the permit.
- 7.2 Where an application is for a temporary use permit the Applicant shall post and maintain, in accordance with Section 7.3 of this bylaw, a sign at least 10 days before Council considers the permit.
- 7.3 A sign required under Section 7.2 of this bylaw must be posted, and removed, in accordance with the following:
 - 7.3.1 The sign shall be a minimum of 1.2 x 1.2 metres in dimension.



- 7.3.2 The sign shall be constructed of plywood, corrugated plastic, or other such durable material.
 - 7.3.3 The sign shall have clearly visible lettering that is not less than 6 cm in height.
 - 7.3.4 The sign shall contain the following wording.
"This site is the subject of an application that may impact the use or development of land. For further information please contact the Village of Burns Lake at (insert phone number)."
 - 7.3.5 The sign shall be located within 3 metres of a property line abutting a public road in a location facing and clearly visible from the road.
 - 7.3.6 If the placement of the notice in accordance with Section 7.4.5 is not feasible the sign shall be located on the nearest abutting road or in another location approved by the CAO.
 - 7.3.7 The sign shall be placed so as not to interfere with pedestrian or vehicle traffic flow, or obstruct visibility from a highway, lane, walkway or driveway.
 - 7.3.8 The sign shall be installed in a safe, sturdy, manner and be capable of withstanding typical wind and other weather conditions.
 - 7.3.9 The sign shall be removed within 3 days of Council's consideration of the related Land Use Permit.
- 7.4 Failure to post and keep posted the sign in accordance with this bylaw may result in the postponement of Council's consideration of the related Land Use Permit. Any additional notification costs incurred by the Village resulting from a failure to post, and keep posted, the sign shall be paid by the Applicant prior to Council's consideration of the related Land Use Permit.
- 7.5 Where a sign required under this bylaw is removed, destroyed, or altered due to vandalism or theft the validity of any bylaw that is the subject of the relevant application and public hearing shall not be impacted.
- 7.6 Security required by permits will be in the form of a certified cheque, or an irrevocable letter of credit that is clean and unconditional, automatically renewing and redeemable at a bank located within the Village boundaries. The letter of credit may be subject to additional conditions to be specified by the CAO or Council.



8 APPLICATION ABANDONMENT, BYLAW LAPSE AND RE-APPLICATION

- 8.1 Where Council has considered an application that is subject to this bylaw, and that application is denied or defeated, Council shall not give consideration to another application that is the same or similar for a period of one year following Council's consideration of that application.
- 8.2 The time limit specified in Section 9.1 may be varied in relation to a specific re-application by an affirmative vote of at least two-thirds (2/3) of Council Members eligible to vote.
- 8.3 If a bylaw amending an Official Community Plan or Zoning Bylaw is not adopted within a period of 24 months after the date of first reading of that bylaw the bylaw shall lapse and will be of no force or effect and the application shall be cancelled. A new application and fee shall be required to proceed with the amendment that was the subject of the lapsed bylaw.

9 SEVERABILITY

- 10.1 If any section, subsection, paragraph, subparagraph or clause of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remaining portions of this Bylaw.

10 ENFORCEMENT

- 10.1 The CAO or Bylaw Enforcement Officer may enter any land, building or other structure at any reasonable time for the purpose of ascertaining whether this bylaw, a Land Use Regulation, or any terms or conditions of a Land Use Permit issued pursuant to this bylaw are being observed, or have been met.
- 10.2 No person shall interfere with or obstruct the entry of the CAO or Bylaw Enforcement Officer onto any land or into any building or other structure to which entry is made or attempted pursuant to the provisions of this bylaw.
- 10.3 No person shall suffer or permit any land, building or other structure to be used, occupied, developed, constructed, erected, altered, modified, replaced, located, enlarged, or maintained in a manner contrary to any term or condition of a Land Use Permit issued pursuant to this bylaw.



- 10.4 Every person who violates any provision of this bylaw; permits, suffers or allows any act to be done in violation of any provision of this bylaw; or neglects to do anything required to be done by any provision of this bylaw; commits an offence punishable upon summary conviction and is subject to a fine not less than \$2,000.00 and not more than \$10,000.00.
- 10.5 Each day during which any violation, contravention or breach of this Bylaw continues shall be deemed a separate offence.

READ A FIRST TIME this 9 day of April , 2019

READ A SECOND TIME this 9 day of April, 2019

READ A THIRD TIME this 9 day of April, 2019

Rescind THIRD reading this 25 day of June, 2019

READ a THIRD TIME as amended 25 day of June., 2019

ADOPTED this 23 day of July, 2019

I hereby certify that the foregoing is a true and correct copy of

“Village of Burns Lake Development Procedures Bylaw No. 994, 2019”.

Dated at Burns Lake, B.C. this day of , 2019



Mayor



Corporate Administrator