

VILLAGE OF QUEEN CHARLOTTE

BYLAW NO. 120-2019

Being a Bylaw to Establish Procedures for the Processing of Land Development Applications including Amendments of an Official Community Plan 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 shall, under the *Local Government Act* Section 460 (as amended from time to time), 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 (as amended from time to time) , 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 Queen Charlotte in open meeting assembled enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as The Village of Queen Charlotte Land Development Applications Procedures Bylaw No. 120-2019

2. SCOPE

This bylaw shall apply to applications:

- a) for an amendment to an Official Community Plan Bylaw and or a Zoning Bylaw;
- b) for the issuance of Development Permits, Development Variance Permits and Temporary Use Permits;

3. APPLICATION

Applications for a bylaw amendment or development permit application shall be:

- a) made by the owner of the land involved or by a person authorized by the owner;
- b) made to the Village of Queen Charlotte in the form prescribed by the staff of Development Services; and
- c) accompanied by the required information identified on the prescribed forms.

4. FEES

At the time of application for an amendment or development permit the applicant shall pay to the Village of Queen Charlotte an application fee in the amount set out in

Schedule 6 and/or the Village of Queen Charlotte Fix Fees, Rents and Charges Bylaw.

5. NOTICE OF DEVELOPMENT SIGNS

- a) 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 according to the specifications outlined in Schedule 1.
- b) In the case of block amendment applications put forward by the Village of Queen Charlotte to amend an Official Community Plan Bylaw or a Zoning Bylaw, where 10 or more properties are proposed to be rezoned or re-designated, a development notification sign shall not be required as permitted under the *Local Government Act*.

6. PROCESS – OFFICIAL COMMUNITY PLAN, ZONING BYLAW AMENDMENT APPLICATIONS

- a) An application for an Official Community Plan or Zoning Bylaw amendment must be processed as outlined in Schedule 2 of this Bylaw.
- b) 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* (as amended from time to time) and approval from the Village of Queen Charlotte Council. In instances where a public hearing is waived, public notice must be published as required under Section 467 of the *Local Government Act* (as amended from time to time).

7. PROCESS – DEVELOPMENT VARIANCE

An application for a Development Variance Permit must be processed as outlined in Schedule 3 of this bylaw.

8. PROCESS - TEMPORARY USE PERMITS

An application for a Temporary Use Permit must be processed as outlined in Schedule 4 of this bylaw.

9. PROCESS – DEVELOPMENT PERMITS

An application for a Development Permit must be processed as outlined in Schedule 5 of this bylaw.

10. NOTIFICATION OF REFUSAL

Where an application has been refused by the Village, Development Services staff shall notify the applicant in writing within fourteen (14) days immediately following the date of refusal.

11. NOTIFICATION

Pursuant to the *Local Government Act* Sections 466, 467, 468, 494 and 499 (as amended from time to time), a notice where required for Official Community Plan amendment, rezoning, development variance or temporary use permits, shall be mailed or otherwise delivered to owners and any tenants of land within the site and within a minimum distance of 100 meters from the property under consideration.

12. RE-APPLICATION

Subject to Section 460 (3) of the *Local Government Act* (as amended from time to time), re-application for an amendment or permit that has been refused by Development Staff and/or Council shall not be considered within a six (6) month period immediately following the date of refusal.

13. EXPIRY OF APPLICATION

A permit not acted upon within eighteen (18) months from the approval date is deemed to have expired and requires a new application. Development Services staff reserves the ability to delay the expiry date due to extenuating circumstances up to a maximum of twelve months.

14. SEVERABILITY

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.

READ A FIRST TIME the 22nd day of May, 2019

READ A SECOND TIME the 3rd day of June, 2019

READ A THIRD TIME the 17th day of June, 2019

ADOPTED the 3rd day of July, 2019



Mayor Kris Olson



Corporate Officer

SCHEDULE 1
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 as referenced above 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 Village Staff and posted on the subject property at least 10 days prior to the application being considered by Council. The applicant must verify to staff that the sign have been erected by submitting a photo of the installed sign.
3. The development sign is the property of the Village of Queen Charlotte. 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 6 is required for Official Community Plan and/or Zoning Bylaw amendments, Development Variance and Temporary Use Permit applications.

SCHEDULE 2
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* (as amended from time to time). 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 1 of this bylaw.

COUNCIL CONSIDERATION AND PUBLIC HEARING

6. Council will, upon receipt, consider the staff report and the amending bylaws.
7. 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 subject to the bylaw amendment.

COUNCIL DECISION

8. Following the Public Hearing and public notification of an amending bylaw, Council will consider the amendment bylaw and may proceed with Third Reading and Adoption, refer, table or deny the application.

NOTIFY APPLICANT

9. The applicant will be notified in writing of the outcome.

SCHEDULE 3
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 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 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 1 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 grant the requested permit **via resolution**, or alternatively refer, table or deny 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. A Siting and Use permit for the proposed development may then be considered for issuance by the Development Services staff based on the provisions of the Development Variance Permit.

SCHEDULE 4
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 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.
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 the requirements outlined in Schedule 1 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* (as amended from time to time).

COUNCIL DECISION

10. Council will consider the staff report and may grant the requested permit **by resolution**, or alternatively refer, table or deny 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.

SCHEDULE 5
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* (as amended from time to time).
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* (as amended from time to time).

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. A Siting and Use permit for the proposed development may then be considered for issuance by the Development Services staff based on the provisions of the Development Permit.
15. Staff may conduct inspections, on an as-required basis, to ensure that the terms of the Development Permit are being satisfied.

SCHEDULE 6

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

