

TOWN OF LAKE COWICHAN

A BYLAW TO ESTABLISH PROCEDURES FOR APPLYING TO AMEND THE OFFICIAL COMMUNITY PLAN, THE ZONING BYLAW OR ISSUE A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT AND TO PROVIDE FOR NOTIFICATION OF PUBLIC HEARINGS

BYLAW NO. 747 - 2002

WHEREAS Part 26 of the *Local Government Act* provides for procedures for amending the Official Community Plan, the Zoning Bylaw, and the issuance of Development Permits and Development Variance Permits;

AND WHEREAS Section 931 of the *Local Government Act* empowers a municipality to establish fees related to applications and inspections authorized under this Act;

THEREFORE BE IT RESOLVED that the Council of the Town of Lake Cowichan, in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

Title

1. This Bylaw may be cited as the Town of Lake Cowichan "DEVELOPMENT APPROVAL PROCEDURES AND NOTIFICATION BYLAW NO. 747-2002".

Interpretation

2. In this Bylaw, unless the context requires otherwise:

"Act" means the Local Government Act and amendments thereto.

"Development Permit" means a permit authorized by Section 976 of the Act.

"Development Variance Permit" means a permit authorized by Section 974 of the Act.

"Official Community Plan" means the Town of Lake Cowichan "OFFICIAL COMMUNITY PLAN BYLAW 673-1998".

"Zoning Bylaw" means the Town of Lake Cowichan "ZONING BYLAW 479-1987"

Applications for Amendment to the Provision of the Official Community Plan, the Zoning Bylaw, or a Land Use Contract

3. An application for amendment to:
 - (a) the Official Community Plan
 - (b) the Zoning Bylaw

shall be made in the form set out in Schedule "A" attached.

hereto and forming part of this Bylaw, and shall include such information as required on and by the form. The Applicant shall provide such additional information and technical details as may be deemed necessary to more fully evaluate the suitability of the proposed use and/or impact of the proposed amendment.

Application for the Issuance of a Permit

4. An application for a:
 - (a) Development Permit
 - (b) Development Variance Permit

shall be made in the form set out in Schedule "B" attached hereto and forming part of this Bylaw, and shall include such information as required on and by the form. The Applicant may be required to provide such additional information as may be necessary.

Report to Council

5. Where applications under Section 3 or 4 have been made in conformance with the provisions of this Bylaw, and the required fees have been paid, the Chief Administrative Officer or his designate shall prepare a report to Council to accompany the application when it is referred to Council.

The report shall included the following:

- (i) purpose of the application;
- (ii) copies of all relevant written submissions, including any drawings and maps;
- (iii) comments received from other agencies, including land owners;
- (iv) references to the relevant official community plan or zoning bylaw which is being varied;
- (v) any site inspection reports.

A copy of the report shall be made available to the applicant so that an opportunity to respond is provided.

Form of Development Permit

6. A Development Permit shall be in the form set out in Schedule "C" attached hereto and forming part of this Bylaw.

Form of Development Variance Permit

7. A Development Variance Permit shall be in the form set out in Schedule "D" attached hereto and forming part of this Bylaw.

Notification of Application and Public Hearing Process

8. Where a public hearing is to be held for the purpose of allowing the public to make representation to the municipality with respect to amendments proposed to the Zoning Bylaw or the Official Community Plan, such hearing will be held before the third reading of the bylaw. The notification process will be as given in Section 892 of the *Local Government Act*. In addition, all parcels within fifty (50) metres from that area, which is subject to the bylaw alteration, will receive notification by mail at least ten (10) days before the public hearing. Notification by mail will not be provided if ten (10) or more parcels owned by ten (10) or more persons are affected by the bylaw alteration.
9. For the purposes of Section 920, 921, and 922 of the Act, notices shall be mailed or otherwise delivered to the owners and to any tenants in occupation of all parcels, within a distance of fifty (50) metres from that part of the land or the width of an abutting street plus fifty (50) metres, that is the subject of the Permit application.

Application Fees

10. (1) There are hereby imposed application fees for:
- (a) applications to initiate changes to the provisions of the Official Community Plan and the Zoning Bylaw; and

- (b) applications for the issuance of a Development Permit, Development Variance Permit;

as set out in Schedule 'E' attached hereto and forming part of this Bylaw.

- (2) All application fees under this Section are non-refundable.
- (3) All application fees under this Section are payable in advance and shall accompany the application.

Reapplication

11. Where an application under Section 3 or 4 has been refused by Council, no subsequent application for the same amendment or permit may be submitted for a period of six months immediately following the date of refusal.

Repeal

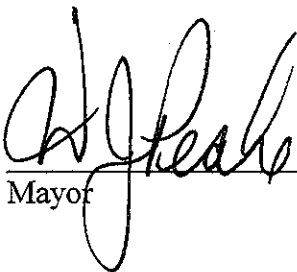
12. Bylaw 430-1984 is hereby repealed:

READ A FIRST TIME on the 20th of August, 2002

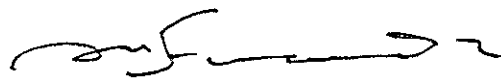
READ A SECOND TIME on the 20th of August, 2002.

READ A THIRD TIME on the 20th of August, 2002.

ADOPTED on the 10th day of September, 2002.



Mayor



Clerk

The information on this form is collected under the authority of the Local Government Act s. 895, 903, and 930. The information provided will be used to process your application for Amendment. If you have any questions about the collection and use of this information, contact the Chief Administrative Officer, 749-6681.

SCHEDULE "B"
TOWN OF LAKE COWICHAN
APPLICATION FOR PERMIT



FOLIO NO/S:

DATE:

APPLICATION FOR: DEVELOPMENT VARIANCE PERMIT DEVELOPMENT PERMIT

APPLICATION INFORMATION		OWNER INFORMATION	
NAME OF APPLICANT(S):		NAME OF OWNER(S):	
APPLICANT'S ADDRESS:		OWNER'S ADDRESS:	
CITY:	POSTAL CODE:	CITY:	POSTAL CODE:
PHONE:	FAX:	PHONE:	FAX:

PROPERTY
CIVIC ADDRESS OF PROPERTY: _____ _____
LEGAL DESCRIPTION OF PROPERTY: _____ _____
ZONING OF PROPERTY: _____

APPLICATION REQUIREMENTS FOR DEVELOPMENT VARIANCE PERMIT
<p>3. The requirement and the proposed variance is:</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p>4. The purpose of the request, including a full description of the proposed development, is:</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p>IF APPLICABLE SUBMIT:</p> <p>5. A scaled site plan showing all parking, access points, buildings, landscaping and elevations.</p> <p>6. For sign variances, a drawing to scale of the sign and its location on the property.</p> <p>7. A copy of the State of Title Certificate.</p> <p>8. The application will be accompanied by the fee identified in Bylaw 747-2002.</p>



APPLICATION REQUIREMENTS FOR A DEVELOPMENT PERMIT

1. The property is in Development Permit Area No. _____.
2. Submit four set plans to scale showing the following:
 - ◆ Site plan.
 - ◆ Landscaping plan.
 - ◆ Detailed renderings from all sides.
3. For lands within a Natural Environment or Natural Hazard Development Permit Area, submit the appropriate environmental and/or geotechnical study to respond to the objectives of the Development Permit Area.
4. A site grading plan.
5. The application will be accompanied by a fee identified in Bylaw 747-2002.

SIGNATURE FOR DEVELOPMENT / VARIANCE PERMIT

I / WE hereby declare that all of the above statements and information contained in the material submitted in support of this application are, to the best of my knowledge, true and correct in all respects.

Date

Applicant's Signature

THIS APPLICATION IS MADE WITH MY FULL KNOWLEDGE AND CONSENT

Date

Registered Owner of Subject Property

Where the applicant is not the REGISTERED OWNER, the application must be signed by the REGISTERED OWNER



SCHEDULE "C"

DEVELOPMENT PERMIT

NO. _____

To: (Name and Address) _____

- 1. This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this permit.
- 2. This Development Permit applies to and only to those lands within the Municipality described below, and any and all building structures and other developments thereon:

Legal Description: _____

- 3. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit and any plans and specifications thereto which shall form a part thereof.

- (a) If the applicant does not substantially commence the development permitted by this Permit within two years of the date of this Permit, the Permit shall lapse.
- (b) As a condition of issuance of this Permit, the Permittee shall provide security by an irrevocable Letter of Credit or the deposit of securities in a form satisfactory to the Town of Lake Cowichan in the amount of \$_____ to ensure that all terms and conditions of this Permit respecting landscaping are complete or to correct any unsafe conditions resulting from the contravention of a condition in this Permit.
- (c) The security, together with an interest earned thereon, shall be returned to the Permittee upon completion of the conditions of the Permit to the satisfaction of the Town. Should the Permittee fail to undertake and complete any works required to satisfy a landscaping condition or carry out any construction to correct an unsafe condition, the Town may use the security to carry out the work by its agents or contractors and any expense incurred beyond the value of the security may be recovered in the manner as municipal taxes and any surplus shall be paid over to the Permittee.

- 4. This Permit is **not** a building permit nor does it constitute approval of any signage. Separate application must be made for a building permit and sign permit.

AUTHORIZING RESOLUTION PASSED BY COUNCIL the ___ day of _____, 20__.

Clerk

Date



SCHEDULE "D"

DEVELOPMENT VARIANCE PERMIT NO. _____

(Name of Owner of the Land)
(PERMITTEE)

Address: _____

- 1. This Development Variance Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this permit.
- 2. This Permit applies to and only to those lands within the Municipality described below, and any and all building structures and other developments thereon:

Legal Description: _____

- 3. The provisions of:
 - (a) The Town of Lake Cowichan "ZONING BYLAW 479-1987" are hereby varied as follows:

 - (b) Other bylaws adopted under Division 4 or 7 of Part 29 of the *Municipal Act* are varied as follows:

 - (c) A development permit issued under old Section 717(2) of the *Municipal Act* RSBC 1979, Chapter 20 is varied as follows: _____

- 4. The Permittee, as a condition of the issuance of this Permit, shall develop the land herein strictly in accordance with the following terms and conditions and provisions and in accordance with any plans and specifications attached hereto which shall form a part thereof:

- 5. If the Permittee does not substantially commence the construction permitted by this Permit within two years of the date of this Permit, the Permit shall lapse.

- 6. As a condition As a condition of issuance of this Permit, the Permittee shall provide security by an irrevocable Letter of Credit or the deposit of securities in a form satisfactory to the Town of Lake



Cowichan in the amount of \$_____ to ensure that all terms and conditions of the Permit respecting landscaping are complete or to correct any unsafe conditions resulting from the contravention of a condition in this Permit.

7. The security, together with an interest earned thereon, shall be returned to the Permittee upon completion of the conditions of the Permit to the satisfaction of the Town. Should the Permittee fail to undertake and complete any works required to satisfy a landscaping condition or carry out any construction to correct an unsafe condition, the Town may use the security to carry out the work by its agents or contractors and any expense incurred beyond the value of the security may be recovered in the manner as municipal taxes and any surplus shall be paid over to the Permittee.
8. This Permit prevails over the provisions of the Bylaw in the event of conflict.
9. This permit is **not** a Building Permit.

AUTHORIZING RESOLUTION PASSED BY COUNCIL the ____ day of _____, 20__.

ISSUED THIS _____ DAY OF _____, 20__.

Clerk

Date



SCHEDULE "E"

PLANNING AND DEVELOPMENT

The following fees shall be paid to the Town of Lake Cowichan at the time of application:

REZONING AND OFFICIAL COMMUNITY AMENDMENT

Official Community Plan (OCP) amendment.....\$ 750.00
Rezoning Amendment\$ 750.00

DEVELOPMENT PERMIT

In all Zones\$ 400.00

DEVELOPMENT VARIANCE PERMIT

In all Zones\$ 300.00

