

**DISTRICT OF PORT HARDY
BYLAW NO. 12-2006**

A BYLAW TO ESTABLISH DEVELOPMENT APPLICATION PROCEDURES

WHEREAS the Council of the District of Port Hardy has adopted an Official Community Plan and a Zoning Bylaw;

AND WHEREAS the Council of the District of Port Hardy permits the issuing of Temporary Commercial Permits and has designated areas within which Development Permits are required;

AND WHEREAS, pursuant to Section 895 of the *Local Government Act*, the Council shall, by bylaw, establish procedures to amend a plan or bylaw or issue a permit;

AND WHEREAS, pursuant to s. 154 of the *Community Charter*, Council may delegate its powers, duties and functions to an officer or employee of the District;

NOW THEREFORE, the Council of the District of Port Hardy, in open meeting assembled, enacts as follows:

1. TITLE

This bylaw may be cited as the "Development Application Procedures Bylaw No. 12-2006".

2. SCOPE

(a) This bylaw shall be applicable to all lands within the District of Port Hardy.

(b) This bylaw shall apply to:

(i) Amendments to:

- (A) an Official Community Plan; and
- (B) A Zoning Bylaw.

(ii) Issuance of:

- (A) Development Permits;
- (B) Development Variance Permits; and
- (C) Temporary Commercial or Industrial Use Permits.

(iii) Approval of subdivisions.

3. GENERAL CONDITIONS

(a) Applications initiated by the District are not subject to the requirements of this Bylaw.

(b) Failure to comply with the requirements of this Bylaw does not constitute grounds for the setting aside, at the instigation of a party other than the District, an amendment bylaw or permit.

4. APPLICATIONS

Applications for amendments or permits shall include all information relevant to the proposed development required by the District to conduct a thorough review and analysis of the proposed development and, without limiting the generality of the foregoing, shall include at a minimum:

- (a) the street address of the property;
- (b) the legal address of the property;
- (c) site plan;
- (d) certificate of title;
- (e) summary of proposed development including benefits and impacts on the community;
- (f) detailed drawings of the proposed development;
- (g) summary of existing land uses adjacent to the subject property;
- (h) a copy of all relevant charges registered on the legal title of the property;
- (i) the signature of the applicant and, where the applicant is other than the owner of the property, the signature or written authorization of the owner; and
- (j) payment of the prescribed fees.

5. FEES

- (a) At the time of application for a bylaw amendment, permit or subdivision approval, the applicant shall pay to the District an application fee as prescribed in the District of Port Hardy Rates Bylaw, together with any amendments thereto.
- (b) Where the recipient of an approved Development Permit proposes changes to the approved permit within two (2) years of issuance of such permit, which in the opinion of the District constitutes substantive changes, the permit holder shall pay a further fee equal to fifty per cent (50%) of the total of the original fee or fees.

6. PROCESS

Every application shall be processed by staff and, with the exception of Development Permit Applications where the total construction value of the development is less than fifty thousand dollars (\$50,000), shall be submitted to Council accompanied by a report which may include:

- (a) a copy of the proposed amendment bylaw or proposed permit;
- (b) information on whether or not the approval of the Ministry of Transportation under the *Transportation Act*, *Local Government Act* or *Community Charter* is required;

- (c) information on whether or not the approval of any other Provincial or Federal ministry is required;
- (d) information on the proposed security to be posted by the permittee if any;
- (e) a review and analysis of the proposed development;
- (f) a recommended course of action for Council to consider; and
- (g) any additional relevant information.

7. NOTICE

Where, pursuant to the *Local Government Act* or *Community Charter*, a local government is required to mail or otherwise deliver notice of intended action, the Corporate Officer shall mail or otherwise deliver notice of the intended action in conformance with the requirements of the appropriate act, to all owners and tenants in occupation of property which is:

- (a) subject to the intended action; and
- (b) within fifty (50) metres of the subject property.

8. SIGNAGE

At the time a development application or a bylaw amendment application is submitted, applicants may be required to post a sign advising of the application. Signs shall meet the following criteria:

- (a) Layout of the sign should be reviewed with District Office staff prior to being drawn.
- (b) Signs are to be erected on the site not more than ten (10) days after submitting the relevant application.
- (c) Signs must be erected on a property line that faces onto a public street.
- (d) Minimum size of a sign will be 1.8 m wide by 1.2 m high.
- (e) Signs should have dark blue background with white lettering and maps should have a white background with dark blue highlights.
- (f) Lettering shall be in block capitals with:
 - (i) headings not less than 20 cm in height;
 - (ii) notice copy not less than 13 cm in height;
 - (iii) map lettering not less than 8 cm in height.

9. AMENDMENTS – APPROVAL OR REFUSAL

The Council may, upon receipt of the report under Section 6 of this bylaw:

- (a) proceed with an amendment bylaw;
- (b) forward an amending bylaw to a public hearing or waive the holding of a public hearing where permitted;
- (c) reject the application; or
- (d) refer the application back to staff for further analysis or information.

10. PERMITS – ISSUANCE OR REFUSAL

The Council may, upon receipt of the report under Section 6 of this bylaw:

- (a) authorize staff to notify affected property owners of the application and advise them of the date of the Council meeting at which the application will be formally addressed by Council;
- (b) authorize the issuance of the proposed permit as submitted;
- (c) authorize the issuance of the proposed permit as amended by the Council;
- (d) refuse to authorize the issuance of the permit; or
- (e) refer the application back to staff for further analysis or information.

11. REFUSAL – AMENDMENT AND PERMITS

Where an application, amendment bylaw or permit has been refused by the Council, Administration shall notify the applicant in writing within fifteen (15) days immediately following the date of refusal.

12. TIME LIMIT, EXTENSION AND RE-APPLICATION

- (a) Development Permits shall lapse if construction has not begun within two years of issuance.
- (b) Extensions may be considered to development permits subject to the payment of a further fee equal to fifty percent (50%) of the total of the original fee or fees provided the application for extension is made prior to the permit lapsing. The length of time of any extension that may be granted will be at the discretion of the District but may not exceed an additional two (2) years.
- (c) Subject to the *Local Government Act*, re-application for an amendment or permit that has been refused by the Council shall not be considered within a six (6) month period immediately following the date of refusal.

- (d) If Council has not adopted an amending bylaw within a twelve (12) month period after the date of Council's consideration of the bylaw, the bylaw shall lapse and will be of no force or effect, and any applicant who wishes to proceed with the activity or development that was the subject of the application must make a new application.

13. DELEGATION

Council hereby delegates to the CAO, Corporate Officer or designate the powers, duties and functions of the Council to issue, renew, refuse, set conditions, establish the permit expiration date, require security and require an undertaking in respect of:

- (a) development permits under Section 920 of the *Local Government Act*, where the total construction value of the development is less than fifty thousand dollars (\$50,000), as estimated by Administration and the Municipal Inspector; and
- (b) a temporary commercial or industrial use permit in accordance with the *Local Government Act*, provided the term of the permit does not exceed fourteen (14) days.

14. SEVERABILITY

If a court of competent jurisdiction declares any portion of this bylaw invalid, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

READ A FIRST TIME ON THE 12TH DAY OF SEPTEMBER, 2006.

READ A SECOND TIME ON THE 12TH DAY OF SEPTEMBER, 2006.

READ A THIRD TIME ON THE 12TH DAY OF SEPTEMBER, 2006.

ADOPTED BY THE MUNICIPAL COUNCIL ON THE 26TH DAY OF SEPTEMBER

ORIGINAL SIGNED BY:

DIRECTOR OF
CORPORATE SERVICES

DEPUTY MAYOR

Certified to be a true copy of
"Development Application Procedures
Bylaw No. 12-2006"

DIRECTOR OF
CORPORATE SERVICES