

VILLAGE OF MCBRIDE

DEVELOPMENT PROCEDURES BYLAW NO. 743, 2014



“A TOWN ON TRACK”

DEVELOPMENT PROCEDURES BYLAW NO. 743, 2014.

Amending Bylaws to the Village of McBride Development Procedures Bylaw No. 743, 2014

Description	Amending Bylaw No.	Amend Bylaw Adoption Date

THE CORPORATION OF THE VILLAGE OF MCBRIDE

DEVELOPMENT PROCEDURES BYLAW NO. 743, 2014

A Bylaw of the Corporation of the Village of McBride to establish procedures for the development of land and premises within the Village of McBride

WHEREAS, the Council of the Village of McBride has adopted an Official Community plan and a Zoning Bylaw;

AND WHEREAS, the Council of the Village of McBride, in accordance with Section 895 of the *Local Government Act*, requires the adoption of a bylaw to establish and define 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 Development Permits, Development Variance Permits or Temporary Commercial and Industrial Permits.

AND WHEREAS, the Council of the Village of McBride may, in accordance with Section 925 of the *Local Government Act*, require that the applicant for a permit issued under Part 26 provide security;

AND WHEREAS, the Council of the Village of McBride may, in accordance with the provisions of Section 931 of the *Local Government Act*, impose fees for the costs of processing, inspection, advertising and administration in connection with such applications;

NOW THEREFORE the Council of the Corporation of the Village of McBride, in open meeting assembled, **ENACTS AS FOLLOWS:**

SECTION 1 - Introduction

PART 1 - CITATION

- 1.1 This Bylaw may be cited as the "Village of McBride Development Procedures Bylaw No. 743, 2014"

PART 2 - DEFINITIONS

- 2.1 Unless otherwise defined herein, all words and phrases in this Bylaw shall have the meaning given to them in the *Local Government Act*, and the *Community Charter*. In this Bylaw:

"Agent" means a person, firm, corporation, partnership or society representing the owner by contract with the owner or by designation by the owner;

"Amend" in relation to a land use contract means modify, vary or discharge;

"Applicant" means the owner or a representative of the owner duly authorized to act on the owner's behalf in relation to the application;

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“Authorized Person” means the Chief Administrative Officer or a person designated in writing, electronic or hard copy, by the Chief Administrative Officer to carry out any act or function under this Bylaw;

“Construct” means the erecting of buildings or structures and shall include excavation for the purpose of erecting a building or structure.

“Council” means the elected officials of the Corporation of the Village of McBride;

“Land Title Office” means the land registry office for the Province of British Columbia;

“Official Community Plan” and **“OCP”** means the *Village of McBride Official Community Plan Bylaw No. 682, 2008*, as amended, or its successor(s).

“Owner” shall have the meaning assigned by the *Local Government Act*.

“Parcel” means any lot, block, or other area of land;

“Professional Engineer” means a person who is registered or licensed under the provisions of the *Engineers and Geoscientists Act*;

“Notice” means a letter that states the land or lands which are the subject of the notice, in general terms the purpose of the notice, and the Authorized Person’s contact information, which is mailed or otherwise delivered to an owner, as shown on the land title search at the date the notice is prepared.

“real property” or **“property”** is as defined in the Community Charter;

“Village” means the Corporation of the Village of McBride;

“Zoning Bylaw” means the *Village of McBride Zoning Bylaw No. 710, 2010* as amended or its successor(s).

PART 3 – APPLICATIONS

3.1 An owner of land, or person authorized by the owner for that purpose as evidenced by a written authorization forming part of the application, may apply for the following in the form prescribed for that purpose by the Chief Administrative Officer, and must provide the information required by the form:

- 3.1.1 An amendment to the Official Community Plan
- 3.1.2 An amendment to the Zoning Bylaw
- 3.1.3 A Development Permit
- 3.1.4 A Development Variance Permit
- 3.1.5 A Temporary Use Permit

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- 3.2 The Chief Administrative officer may prescribe application forms for the purposes of this Bylaw, and in so doing may prescribe different forms for different categories of application based on the nature or complexity of the application.
- 3.3 A reapplication for an amendment to a bylaw or for a permit that has been refused may not be made within six (6) months of the date on which the applicant was notified of the refusal, unless Council specifies a lesser or greater period of time by resolution passed by a 2/3 majority.

PART 4 – NOTIFICATION

- 4.1 In the case of an application to amend a bylaw, the owners and tenants in occupation of the parcel in respect of which the application is made and all parcels of land adjacent to the parcel, shall be notified in accordance with Section 892 of the *Local Government Act*.
- 4.2 In the case of a proposal to issue a Development Permit, the owners and tenants in occupation of the parcel in respect of which the application is made and all parcels of land adjacent to the parcel, shall be notified in accordance with Section 920 of the *Local Government Act*.
- 4.3 In the case of a proposal to issue a Temporary Use Permit, the owners and tenants in occupation of the parcel in respect of which the application is made and all parcels of land adjacent to the parcel, shall be notified in accordance with Section 921 of the *Local Government Act*.
- 4.4 In the case of a proposal to issue a Development Variance Permit, the owners and tenants in occupation of the parcel in respect of which the application is made and all parcels of land adjacent to the parcel, shall be notified in accordance with Section 922 of the *Local Government Act*.
- 4.5 In certain circumstances, the Chief Administrative officer may require that a notification sign be posted at the property of which the application affects. Should the Chief Administrative Officer require a notification sign, it will be subject to the following:
 - 4.5.1 The Notification sign must be posted within 7 days of the Chief Administrative Officer determining that a sign be posted.
 - 4.5.2 The notification sign generally conform to specification issued by the Chief Administrative Officer, which may not specify a sign area greater than 32 square feet, and must state the type of application and application number, the applicant names, the legal description and civic address of the property, a brief description of the proposal and a the telephone number of the Village where more information may be obtained.
 - 4.5.3 The sign will remain posted in good repair until the application has been approved or refused by Council.
 - 4.5.4 The sign must be legible and in a conspicuous location not obstructed by vegetation of structures.

PART 5 – PERMITS

- 5.1 Development Permit, Development Variance Permit, and Temporary Use Permit application forms are designated in Schedules A, B, and C respectively.

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PART 6 – APPLICATION FEES

- 6.1 Application fees which correspond to this bylaw can be found in the Village of McBride Fees and Charges Bylaw, which may be amended from time to time.
- 6.2 If the application is withdrawn before any required public notice is given under the *Local Government Act*, the applicant shall be entitled to a refund of 25% of the application fee.

PART 7 – PERMIT SECURITY

- 7.1 The Council may, when issuing a Development Permit, Development Variance Permit or Temporary Use Permit, require security for the purposes of Section 925 (2.1) of the *Local Government Act*.

PART 8 – OTHER BYLAWS

- 5.1 An application for an amendment to a bylaw, other than the Official Community Plan or Zoning Bylaw, under Division 7 or 11 of Part 26 of the *Local Government Act*, shall:
 - 5.1.1 Be submitted in writing to the Chief Administrative Officer;
 - 5.1.2 Be accompanied by a fee in accordance with the Fees and Charges Bylaw, which may change from time to time;
 - 5.1.3 Describe the amendment requested and purpose of same;
 - 5.1.4 Be signed by the applicant.

PART 6 – VILLAGE AMENDMENTS AND PERMITS

- 8.1 Nothing in this bylaw shall be construed as:
 - 8.1.1 Preventing the Village from initiating an application to amend any plan or bylaw or issue to itself and permit;
 - 8.1.2 Affecting the referral of any plan, bylaw, amendment or permit to any Village committee or commission; or
 - 8.1.3 Preventing the Council from tabling or otherwise dealing with any application in the manner it deems appropriate

PART 9 – SEVERABILITY

- 9.1 If any section, subsection, clause, sub-clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, that section, subsection, clause, sub-clause or phrase shall be struck from the Bylaw and any decision shall not affect the validity of the remaining portions of this Bylaw.

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PART 10 – REPEAL

10.1 Village of McBride Procedures Bylaw No. 437, 1988 is hereby repealed and replaced with Village of McBride Development Procedures Bylaw No. 743, 2014.

READ A FIRST TIME this 28 day of January , 2014.

READ A SECOND TIME this 28 day of January , 2014.

READ A THIRD TIME this 28 day of January , 2014.

All three readings passed by a **unanimous** decision of Members of Village Council present and eligible to vote.

ADOPTED THIS THE 11th DAY OF February 24, 2014, BY A UNANIMOUS DECISION OF ALL MEMBERS OF COUNCIL PRESENT AND ELIGIBLE TO VOTE.

MAYOR _____

ADMINISTRATOR _____