

DISTRICT OF LANTZVILLE

BYLAW NO. 37

A Bylaw to set administrative charges and establish procedures for land use and development applications.

WHEREAS, the Council of the District of Lantzville shall, in accordance with the provisions of Section 895 of the *Local Government Act*, by Bylaw establish procedures for making applications to amend an Official Community Plan and/or a Zoning Bylaw or for a permit under part 26 of the *Local Government Act*.

AND WHEREAS, the Council of the District of Lantzville may, in accordance with the provisions of 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 District of Lantzville 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 District of Lantzville, in open meeting assembled, enacts as follows:

1. GENERAL PROVISIONS

1. In this bylaw:
 - (a) “**mobile home park**” means land used or occupied by any person for the purposes of providing rental spaces for the accommodation of two or more mobile homes (being transportable single family dwelling units meeting minimum Canadian Standards Association Z-240 or A-277, or National Building Code standards, and suitable for long term occupancy) and for imposing a charge or rental for the use of such space;
 - (b) “**Official Community Plan**” and “OCP” mean the “District of Lantzville Official Community Plan Bylaw No. 50, 2005, as amended, or its successor(s); and
 - (c) “**Zoning Bylaw**” means the “District of Lantzville Subdivision and Development Bylaw No. 55, 2005”, as amended or its successor(s).
2. Every complete application for an amendment to the Official Community Plan or Zoning Bylaw or for the issuance of a Development Permit, Development Variance Permit, a Temporary Commercial or Industrial Permit, or Mobile Home Park Permit shall be considered by Council as specified in this bylaw.
3. Any person, being the owner of land or having the written permission of the owner may apply to Council for an amendment to the Official Community Plan or Zoning Bylaw or the issuance of a Development Permit, Development Variance Permit, a Temporary Commercial or Industrial Permit, or Mobile Home Park Permit in accordance with this bylaw.

4. The applicable public hearing fee collected in accordance with Schedule "A" of this bylaw will be refunded if the application is withdrawn in writing by the applicant prior to publication of notification, or mailing or delivery of notification to adjacent property pursuant to section 8 of this bylaw, or if Council waives the requirement to hold a public hearing.

2. APPLICATIONS - GENERAL

1. Application for a bylaw amendment or a permit shall be in writing addressed to the Chief Administrative Officer and shall be made by the registered owner of the subject property or by an agent authorized in writing by the owner to act on his behalf, and shall:
 - (a) state the name and address of the applicant and owner;
 - (b) identify, by full legal description, the land which is the subject of the bylaw amendment or permit application;
 - (c) be accompanied by the Administration Fee set out in the table attached hereto as Schedule "A";
 - (d) include a current title search for all parcels and a copy of all charges on title; and
 - (e) include such further documents as may be requested by the Chief Administrative Officer, or designate, at the time of application.
2. Upon receipt of a complete application, the Chief Administrative Officer will review and circulate the application to the municipal planner or designate, other applicable District staff and outside agencies as necessary. Further information may be requested from the Applicant.
3. After reviewing the application and receiving the comments requested from other staff and agencies, the municipal planner or designate will prepare a report to be reviewed by the Chief Administrative Officer for Council's consideration.
4. Council may, upon receipt of the report under Section 2(3) of this bylaw:
 - (a) proceed with the proposed amendment bylaw, or, authorize the issuance of the appropriate permit; or
 - (b) request additional information or minor adjustment to the proposed bylaw or permit;
 - (c) forward the amending bylaw or permit application to a public hearing or waive the requirement for a public hearing as provided for by Council;
 - (d) table the amendment bylaw or issuance of the permit; or
 - (e) refuse the application to amend the bylaw or refuse to authorize the issuance of the permit.
5. Where Council has refused an application for a bylaw amendment or permit, the Chief Administrative Officer, or designate, shall notify the applicant within 15 days of the date of refusal by Council.
6. Reapplication for a bylaw amendment or a permit that has been refused by Council shall not be considered within a six (6) month period immediately following the date of refusal by Council; such time may be varied for a specific reapplication by an affirmative vote of at least 2/3 of the Council members eligible to vote on the matter.

7. All application forms, plans, drawings and other documents accompanying an application will become the property of the District when submitted by the applicant.

3. OFFICIAL COMMUNITY PLAN BYLAW AMENDMENTS

1. Application for an amendment to the Official Community Plan shall be made on the applicable form prescribed for that purpose by the Chief Administrative Officer.
2. In addition to the provisions of Section 2(1), an application for an OCP amendment shall also include a written description of the land use designation requested and the purpose of same, or if applicable, the proposed text amendment.

4. ZONING BYLAW AMENDMENTS

1. Application for an amendment to the Zoning Bylaw shall be made on the applicable form prescribed for that purpose by the Chief Administrative Officer.
2. In addition to the provisions of Section 2(1), the following material shall also be filed with the application:
 - (a) a written description of the zoning designation requested and the purpose of same, or if applicable, the proposed text amendment, must be filed with the application; and
 - (b) a fully detailed and to scale site plan of the proposed development, showing use, site coverage, floor area ratio, siting, elevations, off-street parking, vehicular access and landscaping, as applicable.

5. DEVELOPMENT PERMITS AND DEVELOPMENT VARIANCE PERMITS

1. Application for a Development Permit shall be made on the applicable form prescribed for that purpose by the Chief Administrative Officer.
2. Application for a Development Variance Permit shall be made on the applicable form prescribed for that purpose by the Chief Administrative Officer.
3. In addition to the provisions of Section 2(1) of this bylaw, the following material shall be filed with an application for Development Permit:
 - (a) A written description, a fully detailed and to scale site plan of the proposed development, showing, where applicable, all uses, site coverage, floor area ratio, building siting, elevations, off-street parking, vehicular access, landscaping and lighting, and details regarding building form and character, including building materials and colours;
 - (b) A detailed plan of topographic features, and water courses on the subject property, and
 - (c) proposed elevations, cross sections or relevant detail drawings
4. In addition to the provisions of Section 2(1) of this bylaw, an application for Development Variance Permit shall include a written description and a fully detailed and to scale site plan of the proposed development, outlining in what manner the relevant District bylaws are proposed to be varied.

5. When Council considers that a condition in a Permit requires the applicant to complete landscaping, or where contravention of a condition in a permit may result in an unsafe condition or damage to the natural environment, the Council may require the applicant to provide security or an irrevocable letter of credit in an amount to be stated in the Permit.
6. Where, in the opinion of the Chief Administrative Officer, an applicant has failed to satisfy the landscaping requirements of the Permit, or failed to comply with the conditions of the Permit, or has created an unsafe condition, the District may undertake and complete the landscaping requirements, or carry out any construction required to comply with the conditions of the Permit or to correct an unsafe condition or correct the damage to the environment, at the full cost of the holder of the Permit, and may apply the security in payment of the cost of the work, with any excess to be returned to the holder of the Permit.
7. Subject to the terms of the Permit, where an applicant fails to substantially commence any construction with respect to which a Development Permit or Development Variance Permit was issued, within two years after the date it was issued, the Permit lapses.
8. When a Permit lapses, the Council shall return any security deposit provided under Section 5(5) to the applicant, without interest.
9. The applicant shall not proceed with the development until they have received a copy of the Permit from the Chief Administrative Officer. The terms of the Development Permit or Development Variance Permit, or any amendment to such a Permit, shall be binding on all persons who acquire an interest in the land affected by the Permit.
10. Council may issue more than one Permit for an area of land, and the land shall be developed strictly in accordance with the Permit or Permits, issued, which shall also be binding on the District.
11. If authorized by Council, the Chief Administrative Officer or designate will complete the Permit in the form attached as Schedule "B" and file in the Land Title Office a notice in the form prescribed for that purpose, that the land described in the notice is subject to a Permit.
12. An application for an extension to a development permit shall be made by letter addressed to the Chief Administrative Officer requesting an extension, stating the length of the extension required, and setting out the reasons for the extension and the applicant's intentions regarding the time for commencement of construction, and shall include the fee set out in Schedule "A".
13. An applicant for an amendment to a development permit shall be made by letter addressed to the Chief Administrative Officer requesting an amendment, and stating the reasons for the amendment required, and shall include the fee set out in Schedule "A".

6. TEMPORARY USE PERMITS

1. Application for a Temporary Commercial or Industrial Permit shall be made on the applicable form prescribed for the purpose by the Chief Administrative Officer.
2. In addition to the provisions of Section 2(1) of this bylaw, the following material shall be filed with an application for Temporary Use Permit to facilitate the processing of the permit:
 - (a) a written description of the temporary commercial or industrial use requested; and
 - (b) if applicable, a fully detailed and to scale site plan of proposed buildings.
3. An applicant for a Temporary Commercial and Industrial Use Permit shall, upon request by Council and prior to issuance of a permit, provide security to the Municipality in an amount to be determined by Council, to guarantee the performance of the terms of the Permit.
4. If authorized by Council, the Chief Administrative Officer or designate will complete the Permit in the form attached as Schedule "B" and Schedule "C", and file in the Land Title Office a notice in the form prescribed for that purpose, that the land described in the notice is subject to a Permit.

7. MOBILE HOME PARK PERMITS

1. No person shall establish, construct, alter, or subdivide a mobile home park until written approval of detailed plans and specifications is received and approved and all relevant permits, including a Mobile Home Park Permit and building permits, are issued by the Chief Administrative Officer and other authorities having jurisdiction.
2. A Mobile Home Park Permit shall not be granted to an applicant until a sewage disposal system, water supply and system, and garbage disposal method have been approved by the authority having jurisdiction.
3. Application for a Mobile Home Park Permit shall be made on the applicable form prescribed for the purpose by the Chief Administrative Officer.
4. In addition to the provisions of Section 2(1) of this bylaw, the following material shall be filed with an application for Mobile Home Park Permit to facilitate the processing of the permit:
 - (a) a plot plan showing the location of the source of the proposed water supply, and the method of sewage disposal, and if applicable the location and extent of the area proposed for sewage disposal, wastewater disposal and garbage disposal; and
 - (b) two full sets of working drawings showing:
 - (i) the dimensions and location of the buffer area;
 - (ii) the number, location, dimensions, and designation of all mobile home spaces, and location and dimension of all roadways, the owner's residential plot (if any), recreation areas, and parking areas;
 - (iii) the dimension and location of all ancillary buildings, the owner's residence and other structures;

- (iv) the location and details of the source of water, treatment plants, water distribution lines, outlets and fire hydrants;
- (v) the location and details of all connections to the sewer, sewer lines, septic tank(s) and sub-surface disposal field, or other private sewage treatment plants and disposal methods;
- (vi) the location and details of all on-site garbage and refuse disposal areas, electric al services and street lighting, and all drainage facilities;
- (vii) a general landscaping plan for the site;
- (viii) all water courses or water frontage within or adjacent to the land concerned;
- (ix) the contour of the land or adjacent land; and
- (x) the relationship of the proposed mobile home park to adjacent roads.

5. All parcels of land in a mobile home park shall be contiguous.

6. A Mobile Home Park Permit shall permit the establishment of a mobile home park on the land concerned only in compliance with the mobile home park plan approved and permit issued.

8. NOTIFICATIONS

1. The Chief Administrative Officer or designate shall give notice of public hearing or of Council's intention to consider issuance of a Development Variance Permit, a Temporary Use Permit, or Mobile Home Park Permit to owners and occupiers of parcels of land any part of which is within 60.0 meters (196.85 feet) of the boundary of the property subject to the proposed bylaw amendment or permit.

9. OTHER BYLAWS

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:
- (a) be submitted in writing to the Chief Administrative Officer;
 - (b) be accompanied by a fee in accordance with Schedule "A";
 - (c) describe the amendment requested and purpose of same;
 - (d) be signed by the applicant.

10. DISTRICT AMENDMENTS AND PERMITS

1. Nothing in this bylaw shall be construed as:

- (a) preventing the District from initiating an application to amend any plan or bylaw or issuing to itself any permit;
- (b) affecting the referral of any plan, bylaw, amendment or permit to any District committee or commission; or
- (c) preventing the Council from tabling or otherwise dealing with any application in the manner it deems appropriate.

11. SEVERABILITY

1. 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.

12. SHORT TITLE

1. This bylaw may be cited for all purposes as "District of Lantzville Land Use and Development Procedures and Fee Bylaw No. 37, 2005"

13. EFFECTIVE DATE

1. This bylaw comes into force and takes effect on the date of its adoption.

READ A FIRST time this 13th day of June, 2005

READ A SECOND time this 13th day of June, 2005

READ A THIRD time this 13th day of June, 2005

RECONSIDERED AND FINALLY ADOPTED this 27th day of June, 2005

Mayor

Director of Corporate Administration

I hereby certify the foregoing to be a true and certified copy of Bylaw No. 37, 2005 cited as the "District of Lantzville Land Use and Development Procedures and Fee Bylaw No. 37, 2005", as adopted by Council this 27th day of June, 2005.

Director of Corporate Administration

DISTRICT OF LANTZVILLE
SCHEDULE "A"
DEVELOPMENT APPLICATION FEES

SUBDIVISION

Application Fee	\$900.00
Fee for each lot being subdivided from parent property.	\$150.00
Amendment to a Strata Subdivision	\$150.00

ZONING BYLAW and OCP BYLAW AMENDMENT

Single Family and Duplex Residential	\$1500.00
Multifamily Residential	\$2000.00
All Others	\$2000.00
Comprehensive Development Planning Area zone	\$2000.00 plus reviewing cost to the District, at \$100 per hour, to a maximum of \$25,000 to be paid before first reading
Text Amendment	\$1500.00
<i>Public Hearing Fees (additional fee which applies to the above, refundable if Public Hearing notice is not distributed)</i>	\$900.00

OCP BYLAW AMENDMENT

Designation Change (discounted 50% if includes rezoning)	\$2000.00
Text Amendment (discounted 50% if includes rezoning)	\$2000.00
Designation change requiring a Regional Growth Strategy amendment or amendment to the Urban Containment Boundary	\$5000.00
<i>Public Hearing Fees (additional fee which applies to the above, refundable if Public Hearing notice is not distributed)</i>	\$900.00

DEVELOPMENT VARIANCE PERMIT

When combined with a Development Permit	\$750.00
	\$500.00
<i>Notification Fee (additional fee which applies to the above, refundable if notice is not distributed)</i>	\$400.00

DEVELOPMENT PERMIT

\$1500.00

DEVELOPMENT PERMIT AMENDMENT or EXTENSION

\$600.00

TEMPORARY USE PERMIT

\$750.00

Notification Fee (additional fee which applies to of the above, refundable if Hearing notice is not distributed)

\$400.00

MOBILE HOME PARK PERMIT

\$1500.00

BYLAW AMENDMENT OTHER THAN ZONING OR OCP

\$1200.00

Fees listed above do not include GST, which is also payable.

SCHEDULE "B"

DISTRICT OF LANTZVILLE
P.O. Box 100, 7192 Lantzville Road
Lantzville, BC, V0R 2H0

NOTICE OF PERMIT

TO: REGISTRAR OF TITLE
850 BURDETT STREET
VICTORIA, B.C. V8W 1B3

FROM: DISTRICT OF LANTZVILLE
P.O. BOX 100
7192 LANTZVILLE ROAD
LANTZVILLE, B.C. V0R 2H0
Tel: (250) 390-4006
Fax: (250) 390-5188

TAKE NOTICE that the land described below is subject to a permit issued by the District of Lantzville.

PARTICULARS OF THE PERMIT

Permit Description

- (a) Type of Permit: Development Permit/Development Variance Permit/Temporary Use Permit
- (b) Statutory Authority: Section 920/922/921 of the Local Government Act

Legal Description of Land affected:

Legal Address
(Civic Address) (PID)

and any and all buildings, structures and other development thereon.

Issue Date _____

Expiry Date: _____

AND FURTHER TAKE NOTICE that in the case of a Temporary Commercial or Industrial Permit you are hereby authorized to cancel the notation of the filing of this notice against the title to the land affected by it on or after the expiry date specified above without further application from us and we consent to a cancellation of the notation on the basis of effluxion of time

Date: _____

DISTRICT OF LANTZVILLE

CHIEF ADMINISTRATIVE OFFICER

DISTRICT OF LANTZVILLE
P.O. Box 100, 7192 Lantzville Rd, Lantzville, BC, V0R 2H0

***DEVELOPMENT PERMIT/DEVELOPMENT VARIANCE
PERMIT/TEMPORARY USE PERMIT***

TO: **APPLICANT NAME**

1. This *Development Permit/Development Variance Permit/Temporary Use Permit* is issued subject to compliance with all applicable District of Lantzville Bylaws except as specifically varied by this Permit.
2. This *Development Permit/Development Variance Permit/Temporary Use Permit* applies to, and only to,

***Legal Address
(Civic Address) (PID)***

and any and all buildings, structures and other development thereon.

3. In accordance *with/to vary the provisions of*/XXXXXXXXXXXXX the District of Lantzville

___ Zoning Bylaw

___ Subdivision and Development Bylaw

___ Sign Bylaw

___ Official Community Plan Bylaw (as required under Development Permit Areas)

4. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit.
5. *If the Permit holder or its successor(s) in title does not substantially commence any construction with respect to which this permit was issued within **2 years** after the date it was issued, the Permit shall lapse.*
6. Notice shall be filed in the Land Title Office that the land described herein is subject to this Permit.
7. The terms of the Permit or any amendment to it are binding on all persons who acquire an interest in the land affected by the Permit.

SCHEDULE "C"

DISTRICT OF LANTZVILLE
P.O. Box 100, 7192, Lantzville Road, Lantzville, BC, V0R 2H0

TEMPORARY USE PERMIT

TO THE DISTRICT OF LANTZVILLE:

I, _____ (name of owner), being the
owner of _____ (legal description),
known as _____ (civic address)

hereby undertake as a condition of issuance of my temporary use permit to:

- (a) demolish or remove all buildings and /or structures that are permitted to be constructed pursuant to the temporary use permit issued to me; and
- (b) restore the land described on the temporary use permit to a condition specified in that permit;

all of which shall be done not later than the termination date set out on the temporary use permit.

I further understand that should I not fulfill the undertaking described herein, the District of Lantzville or its agents may enter upon the land described on the temporary use permit and perform such work as is necessary to eliminate the temporary use and bring the use and occupancy of the land in compliance with the District of Lantzville Zoning Bylaw, as amended, and that any securities submitted by me to the District pursuant to the temporary use permit shall be forfeited and applied to the cost of restoration of my land as herein set out.

This undertaking is attached hereto and forms part of the temporary use permit.

DATE _____

OWNER

WITNESS