

**DISTRICT OF UCLUELET**

**BYLAW NO. 1164, 2015**

A Bylaw to establish development approval procedures for the District of Ucluelet

\*\*\*\*\*

**WHEREAS** Council of the District of Ucluelet has adopted an Official Community Plan and a Zoning Bylaw,

**AND WHEREAS** in accordance with section 895 of the *Local Government Act*, Council must, by bylaw, define procedures under which an owner of land may apply for an amendment to the plan or bylaw or for the issue of a permit under Part 26 *Planning and Land Use Management* of the *Local Government Act*;

**AND WHEREAS** in accordance with section 931 of the *Local Government Act*, Council may, by bylaw, impose fees for applications and inspections;

**AND WHEREAS** Council has authority to delegate matters to staff, and provide for reconsideration procedures;

**AND WHEREAS** this table of contents is inserted for purposes of ease of reference only:

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**NOW THEREFORE** the Council of the District of Ucluelet in open meeting assembled enacts as follows:

**1. TITLE AND REPEAL**

- 1.1. This Bylaw may be cited for all purposes as "District of Ucluelet Development Approval Procedures Bylaw No. 1164, 2015" or the "Development Procedures Bylaw".
- 1.2. For purposes of information only, Schedule "A" of the District of Ucluelet Zoning Bylaw No. 800, 1999 has previously been repealed and no other bylaws are required to be repealed for this Bylaw to have full force and exclusive effect.

## 2. INTERPRETATION AND DEFINITIONS

2.1. In this Bylaw, the following terms have the following meanings:

- (a) "**Application**" means any one or more of the applications referred to in Section 3 *Scope and Application* of this Bylaw as is appropriate to the context;
- (b) "**Official Community Plan**" or "**OCP**" means the District of Ucluelet Official Community Plan Bylaw No. 1140, 2011;
- (c) "**Development Permit**" means a permit authorized by section 920 of the *Local Government Act*;
- (d) "**Development Variance Permit**" means a permit authorized by section 922 of the *Local Government Act*;
- (e) "**Housing Agreement**" means an agreement authorized by section 905 of the *Local Government Act*;
- (f) "**Manager of Planning**" means the person hired or appointed as such by the District and includes his or her selected designate(s), and includes the District's highest level Planner when the Manager of Planning designation is vacate;
- (g) means the person hired or appointed as such by the District and includes his or her selected designate(s);
- (h) "**Phased Development Agreement**" means an agreement authorized by section 905.1 of the *Local Government Act*;
- (i) "**Public Hearing**" means a Public Hearing of Council pursuant to section 890 of the *Local Government Act*;
- (j) "**Temporary Use Permit**" means a permit authorized by section 921 of the *Local Government Act*;
- (k) "**Works and Services**", for the purposes of this Bylaw, includes water supply, sanitary sewer supply and disposal, storm water drainage, and highway access;
- (l) "**Zoning Bylaw**" means the District of Ucluelet Zoning Bylaw No. 1160, 2013.

2.2. Any enactment referred to in this Bylaw is a reference to an enactment of British Columbia and its regulations, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to in this Bylaw is a referenced to an enactment of the Council of the District of Ucluelet as amended, revised, consolidated or replaced from time to time.

2.3. Any section, subsection, sentence, clause or phrase of this Bylaw, which is for any reason held to be invalid by the decision of any Court of competent jurisdiction, may be severed from the balance of this Bylaw without affecting the validity of the remaining portions of this Bylaw.

2.4. Defined terms are italicized in this bylaw for convenience purposes only, and the above definitions apply whether a term is italicized or not.

2.5. The following schedules are attached to and form a part of this Bylaw:

- (a) Schedule "A" – Development Application Form
- (b) Schedule "B" – Fee Schedule

### **3. SCOPE AND APPLICATION**

3.1. This Bylaw applies to applications for:

- (a) amendment to the Official Community Plan;
- (b) amendment to the Zoning Bylaw;
- (c) a Development Permit;
- (d) a Development Variance Permit;
- (e) a Temporary Use Permit;
- (f) any combination of the above permitted by law;

and including amendments, modifications and extensions where applicable.

3.2. To the extent necessary, this Bylaw also applies to applications for other approvals, exemptions or agreements related to the development of land, buildings or structures not specifically dealt with under other District bylaws and may include:

- (a) matters under Part 26 or Part 27 of the *Local Government Act*, such as Board of Variance applications, Housing Agreements, Phased Development Agreement, Floodplain Bylaw exemption, Minimum Frontage exemptions and Heritage Revitalization Agreements; and
- (b) matters under other Provincial statutes, such as strata conversion of previously occupied buildings, covenants and statutory rights of way for which the District is a signatory or named party.

Such applications may be made by an owner of land and must be accompanied by similar information requirements for processing in a similar manner as outlined in this Bylaw and in accordance with statutory requirements.

3.3. Nothing contained within this Bylaw shall relieve any person from the responsibility to seek and comply with other legislation applicable to the use, activity or other matter on their land, or otherwise.

3.4. Any one or more of the procedures in this Bylaw, except those that are governed by statutory provisions, may be temporarily suspended by unanimous vote of the Council present.

3.5. The failure of Council or staff to observe the provisions of this Bylaw does not affect the validity of resolutions passed or bylaws enacted by Council otherwise in compliance with statutory requirements.

3.6. Applications initiated by the District are subject only to statutory requirements, and not the additional procedures and requirements of this Bylaw.

#### 4. DELEGATED POWERS AND RECONSIDERATION

- 4.1. The **Manager of Planning** is hereby delegated authority to:
- (a) prescribe application forms in addition to those prescribed by this Bylaw, and such forms may be different for different Applications under this Bylaw;
  - (b) with respect to information requirements:
    - (i) determine additional information requirements applicable to an Application as appropriate to and in consideration of the nature or complexity of the Application, the lands, surrounding lands and neighbourhoods, the District OCP and other plans and policies, including under the authority of section 920(11); or
    - (ii) waive or permit less detailed information to be provided where the information is not necessary or convenient for the processing of the Application;
  - (c) prescribe the form of permits applicable to permits issued under Part 26 of the *Local Government Act*;
  - (d) with respect to on-site notification signage required under Section 8 *Public Notification and Hearings* of this Bylaw:
    - (i) prescribe the form of notification sign; and
    - (ii) require that the Applicant secure the appropriate sign from the District, including payment of associated damage deposit and preparation fee; and
  - (e) with respect to Development Permits not requiring security, process and decide upon each or any of the following:
    - (i) Applications for signage;
    - (ii) Applications where the value of construction is less than \$75,000;
    - (iii) Amendments where the footprint, setbacks or height of buildings or structures identified in the original Development Permit is not altered;
    - (iv) Renewals or extensions not exceeding twelve (12) months.
- 4.2. Where an application is controversial, complicated or of particular importance each as determined in his/her sole discretion, the Manager of Planning may choose to make a recommendation for decision by Council instead of making a decision under delegated authority. The reconsideration provisions of this Bylaw do not apply to such decisions, either of the Manager of Planning or of Council.
- 4.3. The **Chief Administrative Officer** and **Corporate Officer** is hereby delegated authority to sign and issue permits approved within the scope of this Bylaw and to cancel permits when they lapse.
- 4.4. The **Mayor, Chief Administrative Officer** and **Corporate Officer** are hereby authorized to sign covenants and other documents related to the applications within the scope of this Bylaw.
- 4.5. **Reconsideration:** Where the **Manager of Planning** makes a decision under

delegated authority, an Applicant may request reconsideration by Council, and the following rules shall apply:

- (a) The Applicant's request for reconsideration must:
  - (i) be made in writing, addressed to the Corporate Officer;
  - (ii) be made within ten (10) business days of being notified of the decision of the Manager of Planning;
  - (iii) set out the specific decision it wishes reconsidered, the rationale for why the decision was inappropriate, and the specific alternative decision sought from Council.
- (b) The Manager of Planning should prepare a Report to Council responding to the Applicant's request and explaining the rationale for his/her decision.
- (c) The Chief Administrative Officer or the Corporate Officer should, or arrange to:
  - (i) schedule the request on the Agenda of a meeting of Council within six (6) weeks of receipt of the request;
  - (ii) notify the Applicant of the date at which the reconsideration will occur;
  - (iii) if the Applicant is not present at the meeting in which the decision is reconsidered, send written notification of Council's decision to the address on the Applicant's request for reconsideration.
- (d) Council:
  - (i) shall review the written submissions and may, but is not obligated, to hear from the Applicant or any other interested person;
  - (ii) must either confirm or modify the Manager of Planning's decision, or substitute its own decision.

4.6. In addition, decisions of the Manager of Planning regarding additional or lesser information requirements associated with applications may be reviewed and varied by Council, with or without request from the Applicant.

## **5. APPLICATION AND INFORMATION REQUIREMENTS**

5.1. All Applications must:

- (a) be made by the owner of land affected, or by a person authorized in writing by the owner;
- (b) be made on the form attached in the Schedules to this Bylaw or, where no form is attached, on the form prescribed by the District;
- (c) be made in writing to the Manager of Planning;
- (d) be accompanied by the fees identified in Schedule "B" to this Bylaw, or in a fees bylaw, or otherwise required by law; and
- (e) be accompanied by the information requested:
  - (i) on the form;

- (ii) in this Bylaw, including its Schedules;
  - (iii) in the Development Permit Area ("DPA") designation identified in the Official Community Plan, where the land is within a DPA;
  - (iv) in Appendix A of the Official Community Plan, where the land contains a riparian area; and
  - (v) by the Manager of Planning when exercising authority under this Bylaw or otherwise under the *Local Government Act*, *Community Charter* or other applicable legislation.
- 5.2. If an Application for a Development Permit seeks to vary a bylaw under Division 7 or 11 of Part 26 of the *Local Government Act* and the applicable Development Permit guidelines do not address such variances, the Applicant must make a concurrent Application for a Development Variance Permit and pay the application fee in accordance with this Bylaw, or a fees bylaw.
- 5.3. For amendments to the **Official Community Plan**, the **Zoning Bylaw**, or both, and for **Development Permit** applications, the Applicant must provide all of the following in addition to the requirements of Section 5 *Application and Information Requirements*:
- (a) A written statement outlining the proposal in full including description of:
    - (i) the purpose of and reasons in support of the requested Application;
    - (ii) the existing and proposed use(s) of the land, including its building and structures;
    - (iii) the existing and proposed Works and Services for the land, including its building and structures; and
    - (iv) any consultations the Applicant has undertaken or proposes to undertake with neighbours and the community.
  - (b) Title Search made within 15 days of the date of Application, along with copies of all non-financial encumbrances (e.g. covenants, statutory rights of ways, easements, etc);
  - (c) Three full sized copies and one clearly legible 8.5 x 11" reduction of each of the following plans:
    - (i) Site plan, drawn to scale, showing:
      - site context,
      - topographical and geographical features on the site,
      - all buildings and structures, including roof structures,
      - density, floor area ratio, lot coverage and other regulations of applicable OCP designation and Zoning Bylaw zones,
      - parking and loading areas,
      - Works and Services, and street lighting,
      - areas subject to covenants, statutory rights of way and

easements,

- sidewalks, streets, lanes, highways and adjacent land uses where affected;

- (ii) Building elevations showing all sides of all buildings and structures, exterior finishes (including materials, colour and signage) and adjacent buildings to reference streetscape;
- (iii) Floor plans showing all areas and uses of all building floors;
- (iv) Landscape plans showing all sizes, species and planting locations on the site plan; and
- (v) Sign plans showing locations, lighting, dimensions and finishes of all free-standing signs, where applicable.

5.4. For **Development Variance Permits**, the Applicant must provide the information identified in this Section 5 *Application and Information Requirements*, but all only as it relates to the requested variance, acknowledging that Building Elevations, Floor Plans, and Sign Plan are not likely applicable.

5.5. For **Temporary Use Permits**, the Applicant must provide the information identified in this Section 5 *Application and Information Requirements*, but all only as it relates to the requested temporary use, acknowledging that Building Elevations, Floor Plans, and Sign Plan are not likely applicable.

5.6. **Change of Ownership:** If there is a change of ownership of a parcel of land that is the subject of an application pursuant to this Bylaw, the Applicant must provide an updated title search and written authorization from the new owner prior to proceeding further with the Application.

## 6. FEES

6.1. Where the fee for an Application is not specified in Schedule "B", or in a fees bylaw, the application fee shall be \$1,000.

6.2. Where an Application is withdrawn or defeated prior to Public Notification advertisements being placed and notices prepared for distribution, that portion of the fee shall be refunded.

6.3. **Additional Fees for Land Title Office and Legal Costs:**

- (a) All Applications that require Notice to be filed at the Land Title and Survey Authority Office shall include an additional fee corresponding to the prescribed by the Land Title and Survey Authority for such notice. This portion of the fee shall be refunded if approval for the Application is not granted, and therefore no Notice is filed.
- (b) All Applications, including but not limited to those Applications identified in Schedule "B", or in a fees bylaw, are to be supplemented with a fee for District legal costs related to covenants, statutory rights of way, housing agreements and other development agreements associated with, volunteered or required as a condition of approval, as identified on Schedule "B", or in a fees bylaw.

- (c) The Applicant remains at all times responsible for registration and registration costs of Land Title Office documents, and their own independent legal advice.
- (d) Where the District's actual legal costs are substantially lower or higher than the above-noted fee, the difference shall be refunded or paid accordingly.

## **7. STAFF PROCESSING OF APPLICATIONS**

7.1. For complete Applications, the Manager of Planning:

- (a) shall review the Application and, where a decision of Council is required, prepare a report to Council, including a recommendation or alternatives as appropriate;
- (b) may commence referrals to applicable District committees or commissions;
- (c) may commence referrals to persons, organizations and authorities, either before or after Council direction;
- (d) shall, in relation to Official Community Plan amendments,
  - (i) seek the direction of Council under sections 879 and 881 of the *Local Government Act*;
  - (ii) refer to the applicable persons, organizations and authorities, and
  - (iii) conduct or advise the Applicant to conduct the opportunities for consultation, as directed by Council;
- (e) should otherwise process the Application in accordance with statutory requirements, the requirements of this Bylaw and Council direction.

7.2. An incomplete Application need not be processed until all requirements of Section 5 *Application and Information Requirements* have been satisfied, but the Manager of Planning may report to Council and seek Council direction.

## **8. PUBLIC NOTIFICATION AND HEARINGS**

8.1. The Applicant is at all times responsible for satisfaction of statutory public notification requirements, and the Manager of Planning may arrange newspaper advertisements and public hearings.

8.2. For the purposes of section 892(4) of the *Local Government Act*, the distance specified for notification is 100 metres distance from the property lines of parcel of land that is subject to the bylaw alteration.

### **8.3. Notification Signage for OCP and Zoning Applications:**

- (a) For Applications that include amendment of the Official Community Plan or the Zoning Bylaw, the Applicant must post one or more notification sign(s) on the land that is the subject of an Application, within fourteen (14) days of submitting the Application.
- (b) Where the District has signs available to satisfy the requirements of this Section, the Applicant must:
  - (i) secure the signage from the District;
  - (ii) pay a preparation fee;



- (iii) provide a damage deposit, to be returned on the safe return of the sign(s).
- (c) The Applicant must notify the Manager of Planning in writing that the sign has been posted.
- (d) The notification sign must be:
  - (i) posted so as to face each highway on which the subject land has frontage;
  - (ii) posted so as to be unobstructed to viewing by the public;
  - (iii) placed at least 1 m above grade and not more than 2 m above grade;
  - (iv) placed not further back than three (3) metres from the property line adjacent the highway;
  - (v) maintained in good repair and replaced at the Applicant's cost if defaced, damaged or removed; and
  - (vi) removed within a reasonable time following the Council's final decision on the Application.
- (e) The notification sign must contain the following:
  - (i) the type of Development Application;
  - (ii) a general description on the subject matter of the development application and the proposed development;
  - (iii) a sketch plan highlighting the land subject to the Application relative to neighbouring properties and highways;
  - (iv) the name and contact number of the Applicant, and the District's office, under the heading "For any additional information"; and
  - (v) such other information as prescribed, and in the form prescribed, if a form is prescribed.
- (f) If the Applicant does not maintain a notification sign in accordance with this Bylaw, the Council or Manager of Planning may delay, postpone or cancel a Public Hearing until the requirements of the Bylaw have been complied with, and an additional public notification fee shall apply.
- (g) A notification sign is not required if the Manager of Planning determines that the development that is the subject of the Application is so minor as to have minimal impact on abutting lands.

8.4. The public is entitled to make representations to the District respecting matters contained in the proposed Application where the *Local Government Act* requires a Public Hearing and such hearing is not waived. In all other instances, representations may be provided in writing up to the close of the business day of a Council decision, but leave of the person presiding at the Council meeting is required for oral representations at that Council meeting, however acknowledging that such does not create an additional personal or public duty of care or fairness than otherwise required by the *Local Government Act*.

**9. ABANDONED AND EXPIRED APPLICATIONS**

- 9.1. Every Application that has outstanding information requirements for a period greater than nine (9) months is deemed to have been abandoned, with fees forfeited.
- 9.2. Every Application not decided within eighteen (18) months of the date of Application is deemed to have expired, with fees forfeited.
- 9.3. All Applications abandoned or expired shall be considered closed, and shall require a new Application, with new fee.

**10. RE-APPLICATION**

- 10.1. The time limit for reapplication is six (6) months, which may only be varied in accordance with section 895(3) of the *Local Government Act*.

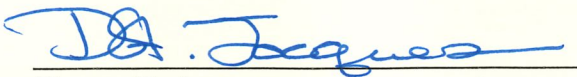
**READ A FIRST TIME** this 14<sup>th</sup> day of July, **2015**.

**READ A SECOND TIME** this 14<sup>th</sup> day of July, **2015**.

**READ A THIRD TIME** this 14<sup>th</sup> day of July, **2015**.

**ADOPTED** this 8<sup>th</sup> day of September, **2015**.

**A TRUE AND CORRECT COPY** of "District of Ucluelet Development Approval Procedures Bylaw No. 1164, 2015".



Dianne St. Jacques  
Mayor



Andrew Yeates  
Chief Administrative Officer



**THE CORPORATE SEAL** of the District of Ucluelet was hereto affixed in the presence of:



Andrew Yeates  
Chief Administrative Officer

**SCHEDULE "A"  
DEVELOPMENT APPLICATION FORM**

# Development Application

**District of Ucluelet**

Planning Department  
200 Main Street, Ucluelet, BC  
V0R 3A0, P.O. Box 999  
tel 250-726-4770 fax 250 726 7335

**Type of Application**

An application is submitted for one or more of the following:

- |  |  |
|--|--|
| <input type="checkbox"/> Official Community Plan Amendment   | <input type="checkbox"/> Development Variance Permit |
| <input type="checkbox"/> Zoning Bylaw Amendment              | <input type="checkbox"/> Temporary Use Permit        |
| <input type="checkbox"/> Development Permit (no variances)   | <input type="checkbox"/> Board of Variance           |
| <input type="checkbox"/> Development Permit (with variances) | <input type="checkbox"/> Strata Conversion           |
| <input type="checkbox"/> Development Permit Amendment        | <input type="checkbox"/> Subdivision                 |

**Description of Property**

Civic Address (es): \_\_\_\_\_

Legal Description: Lot \_\_\_\_\_ Plan \_\_\_\_\_ Block \_\_\_\_\_ Section \_\_\_\_\_ DL \_\_\_\_\_

**Applicant Information**

Notice of Disclosure to Applicant(s): The following contact information will be available to the public and may be posted on the Districts' website to allow interested parties to contact you about this application.

Applicant name: \_\_\_\_\_ Company name: \_\_\_\_\_

Mailing address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Tel : \_\_\_\_\_ Cell : \_\_\_\_\_

Email : \_\_\_\_\_ Fax : \_\_\_\_\_

The undersigned owner/authorized agent of the owner makes an application as specified herein, and declares that the information submitted in support of the application is true and correct in all respects.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Registered Owner(s)**

List all registered owners. For strata properties, provide accompanying authorization from all strata owners (not just strata corp.). If the owner is an incorporated company/society, attach a current corporate/society search or "notice of directors".

Registered Owner (s) name: \_\_\_\_\_

Mailing address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Tel : \_\_\_\_\_ Cell : \_\_\_\_\_

Email : \_\_\_\_\_ Fax : \_\_\_\_\_

Freedom of Information and Protection of Privacy Act (FOIPPA): Personal information is collected, used and disclosed under the authority of the Local Government Act, and section 26 (c) of the FOIPPA. The information will be used for the purpose of processing this application.

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Office Use Only:**

Folio No.:	File No.:	Date:	Receipt No.:	Fee:
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**SCHEDULE "B"  
FEE SCHEDULE**

Type of Application	Application Fee	
	Base Fee	Additional Fees (Plus those in Notes)
Official Community Plan Amendment	\$400	+ \$500/ha. for properties greater than 1 ha. in area + \$300 Public Notice Fee
Zoning Bylaw Amendment (text and/or map)	\$600	+ \$500/ha. for properties greater than 1 ha. in area + \$300 Public Notice Fee
Development Permit	\$650	+ \$500/ha. for properties greater than 1 ha. in area
Development Permit – Amendment	\$250	
Development Variance Permit	\$350	+ \$150 Public Notice Fee
Temporary Use Permit	\$350	+ \$150 Public Notice Fee
Board of Variance	\$250	
Strata Conversion of Previously Occupied Building	\$500	
Subdivision	\$800	+ \$150 <i>per lot</i>

**Notes:** Fees in this section are in addition to and as applicable to the Application:

(1) Land Title and Survey Authority Fees:

(i) At cost, as prescribed by the Land Title and Survey Authority.

(2) District Legal Fees:

(i) \$750.00 for documents not exceeding 5 pages,

(ii) \$1,500.00 for documents exceeding 5 pages, and

(iii) Otherwise at cost.