

## DISTRICT OF INVERMERE

### BYLAW NO. 1270, 2005

A bylaw to establish procedures and fees for land use applications.

**WHEREAS** under the *Local Government Act*, the Council shall, by bylaw, define procedures under which an owner of land may apply for an amendment of an official community plan or a zoning bylaw, or the issue of a development permit or a development variance permit;

**AND WHEREAS** under *Local Government Act*, the Council may designate the form of permits issued under this Bylaw;

**AND WHEREAS** the District of Invermere may establish fees for land use applications;

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

#### **Title**

1. This Bylaw may be cited as "Development Approval Procedures and Fees Bylaw No. 1270, 2005".

#### **Interpretation**

2. In this Bylaw

**Amending bylaw** means a bylaw to change the provisions of an official community plan, a zoning bylaw or a land use contract;

**Applicant** means the owner of the real property that is the subject of an application under this Bylaw or any person designated by the owner in writing as the agent for the owner;

**Building Inspector** means the Building Official of the District of Invermere.

**Bylaw Enforcement Officer** means the Bylaw Enforcement Officer of the District of Invermere.

**Council** means the Municipal Council of the District of Invermere

**District** means the District of Invermere

**Development Permit** means a permit authorized by section 920 of the *Local Government Act*.

**Development Variance Permit** means a permit authorized by section 922 of the *Local Government Act*.

**Director of Development Services** means the person appointed as such by Municipal Council of the District of Invermere and includes his/her lawful designate.

**Official Community Plan** means the District of Invermere Official Community Plan Bylaw No. 1085, as amended from time to time.

**Owner** means the registered owner of property in fee simple, or his/her agent authorized in writing.

**Parcel** means any lot, block or other area in which land is held or into which it is subdivided.

**Public Hearing** means a public hearing of Council pursuant to the *Local Government Act*.

**Zoning Bylaw** means the District of Invermere Zoning Bylaw No.1145,2002 as amended from time to time.

### **Application**

3. This Bylaw applies to:

- a) an amendment to an Official Community Plan, Zoning Bylaw, restrictive covenant or Land Use Contract;
- b) to the issuance of a development variance permit or development permit;
- c) board of variance, subdivision and road closure applications.

4. Applications shall be made in writing to the Director of Development Services.

### **Fees**

5. All necessary application fees must accompany each application in accordance with the attached Schedule "B".

6. The application fee shall be comprised of a non-refundable and refundable portion.

7. The refundable portion shall be returned to the applicant in the following circumstances;

- (a) if an application is withdrawn by the applicant or rejected by Council before a public hearing or public meeting date is established or notification is given in respect to a public hearing or development variance permit;
- (b) if a permit application is approved by Council without the convening of a public meeting.
- (c) If an application is withdrawn by the applicant before preparation of the staff report has been initiated, all of the refundable portion and, at the discretion of the Director of Development Services, 50% of the non-refundable portion may be returned to the applicant.

### **Amendment of the Official Community Plan, Zoning Bylaw or a Land Use Contract**

8. An application for an amendment to the Official Community Plan, Zoning Bylaw or Land Use Contract must be made in writing, signed by the registered owner or their agent and accompanied with the appropriate application fee as outlined in Schedule "B"

9. The application shall include the following information:
  - a) completed application form;
  - b) state of title certificate;
  - c) written statement describing the proposed amendment;
  - d) a map identifying the subject property in relation to adjacent lands;
  - e) any additional information the Director of Development Services may require in reviewing and making a recommendation concerning the proposed amendment and in accordance with Section 10.
  
10. The Director of Development Services may request the applicant to provide development approval information pursuant to the *Local Government Act*, including but not limited to, an analysis by a qualified professional of the potential impacts on land use, traffic, the environment, utilities and other District services and facilities. The impact report may be required to contain the following information:
  - a) relationship and compliance with the Official Community Plan;
  - b) traffic impacts;
  - c) requirements for drainage, water, sewage and other utilities;
  - d) potential impacts on adjacent land uses;
  - e) detailed geotechnical evaluation;
  - f) assessment of the impacts on community services and facilities;
  - g) staging, implementation schedule and duration of construction.
  
11. The Director of Development Services may waive any of the requirements contained in Section 10 depending upon individual applications.
  
12. Within 14 days of receipt of an application, the application will be reviewed by the Director of Development Services who will report on the application to Council. The report to Council shall reference the planning policies of Council and if the application has been referred to the Planning Committee or other agencies, include the recommendations and comments received to date.
  
13. Where an amendment to the Official Community Plan, Zoning Bylaw or Land Use Contract alters the permitted uses or density of the area and the *Local Government Act* requires that a notice be delivered or mailed to the owners and tenants, the notice must be given to owners and tenants of all lots:
  - a) that are subject to the bylaw amendment;
  - b) located within 100 metres from the land under application.

14. After a public hearing has been held, Council will consider the amending bylaw and may;
  - a) give second or third reading or both to the bylaw; or
  - b) give third reading and adopt the bylaw; or
  - c) decline to give any reading to the bylaw; or
  - d) otherwise deal with the bylaw.
15. Every amendment bylaw, which has not been finally adopted by Council within 12 months after the date of the last reading will be brought back to Council for termination.
16. When an application for an amending bylaw has been refused by Council, no subsequent application for the same amendment shall be considered by Council for a period of 6 months following the date of refusal.

**Development Permits and Development Variance Permits**

17. Council may by resolution issue:
  - a) Development variance permits that vary a bylaw under Division 7, 8, 11 or Part 26 or a bylaw under Section 694(1)(j) of the *Local Government Act*.
  - b) Development permits that vary, supplement this or other bylaws as authorized by the *Local Government Act*.
18. The Director of Development Services or the Building Inspector is authorized to exercise the powers and perform the duties of Council in respect of the issuance of development permits listed in this section. These powers and duties shall include, but not be limited to, establishing the requirements and conditions of the permit, the approval of the permit and the determination of whether such requirements and conditions have been met.
19. Unless otherwise exempted from the requirement to obtain a Development Permit by the Official Community Plan, an owner of land designated as a development permit area in the Official Community Plan must obtain and hold a valid permit prior to:
  - a) subdividing land;
  - b) constructing, adding or altering a building or structure; or
  - c) altering land within an area designated for the protection of the natural environment or hazardous area.
20. An application for a development permit or development variance permit shall be made in writing signed by the applicant, the registered owner of the land affected or his/her duly authorized agent and shall be accompanied by the appropriate fee as outlined in Schedule "B".

21. The application for a Development Permit or a Development Variance Permit must be accompanied by the following:
  - a) completed application form;
  - b) current state of title certificate;
  - c) written statement to describe the proposal;
  - d) map showing the subject property in context with the adjacent land;
  - e) any additional information the Director of Development Services may require in accordance with Section 9;
  - f) development approval information pursuant to the *Local Government Act*, which may include information on the anticipated impact of the proposed development on the community, including but not limited to:
    - i) transportation patterns including traffic flow;
    - ii) local infrastructure;
    - iii) public facilities including schools and parks;
    - iv) community services;
    - v) the natural environment of the area affected.
22. The application will be reviewed, within 14 days of receipt, by the Director of Development Services who will report on the application to Council with reference to planning policies and other matters as may be considered.
23. Within the 14 day review period, the Director of Development Services must notify the applicant and provide the following information:
  - a) the date and time the application will be reviewed by Council or the Planning Committee;
  - b) the proposed staff recommendation; and
  - c) the proposed conditions which may be attached to the permit.
24. The Director of Development Services must mail or otherwise deliver notice of proposed Council consideration of a development variance permit to owners and tenants in occupation of property, any part of which is:
  - a) the subject of the proposed permit; or
  - b) located within 50.0 metres of the subject property.
25. Except for Development Permits which may be issued by the Director of Development Services, Development Permits and Development Variance Permits will be considered

- by Council and will be authorized, authorized as amended, rejected, refused or otherwise dealt with by resolution.
26. Where landscaping is a condition of a Development Permit or a Development Variance Permit, the applicant shall provide a security deposit in the form of a irrevocable letter of credit, cash or certified cheque, in a form satisfactory to the District in the amount of 120% of the estimated cost of landscaping.
  27. The security deposit for landscaping may be reduced proportionately as areas of the site are completed and accepted by the Director of Development Services.
  28. Council may require the applicant to post security in a form satisfactory to the District as a condition of a Development Permit and Development Variance Permit, pursuant to the *Local Government Act* for an unsafe condition or protection of the natural environment.
  29. If landscape construction and planting is not completed by the expiry date of the security or an unsafe condition or damage to the natural environment has results as a consequence of a violation of the permit, the District may cash the security deposit for the purposes of entering upon the subject property and completing the landscape construction and planting, or undertaking works to correct the unsafe condition or correct the damage to the natural environment.
  30. Upon completion of the landscape construction and planting the District may withhold 10% of the security deposit for one growing season.
  31. All of the following apply to any decision by a delegate under section 18:
    - (a) any owner of property that is subject to a decision under section 18 who is dissatisfied with the decision is entitled to have the decision reconsidered by Council in accordance with this section;
    - (b) an owner who wishes to have a decision reconsidered by Council must apply for the reconsideration by delivering to the Chief Administrative Officer, within 30 days after the decision is communicated in writing to the owner, a reconsideration application in writing, which must set out all of the following:
      - (i) the name of the delegate who made the decision, the date of the decision and the nature of the decision;
      - (ii) reasons why the owner wishes the decision to be reconsidered by Council;
      - (iii) the decision the owner requests be made by Council, with brief reasons in support of the requested decision; and
      - (iv) a copy of any materials considered by the owner to be relevant to the reconsideration by Council;
    - (c) a reconsideration application must be considered by Council at a regular meeting of Council held at least two weeks after the date on which the reconsideration application is delivered to the District;

- (d) the Chief Administrative Officer must:
    - (i) place each reconsideration application on the agenda for a regular meeting of Council in accordance with section 31(c);
    - (ii) give notice of each reconsideration by Council in accordance with any notice requirements in respect of the original application that are set out in the Development Application Procedures Bylaw or the Act; and
    - (iii) before each reconsideration by Council, deliver to each Council member a copy of the materials that were considered by the delegate in making the decision that is to be reconsidered;
  - (e) in reconsidering a decision the Council must consider the material that was considered by the delegate in making the decision;
  - (f) at a reconsideration of a decision, the owner and any other person who is interested in the decision are entitled to be heard by Council;
  - (g) Council is entitled to adjourn a reconsideration of a decision; and
  - (h) After having reconsidered a decision, Council may either confirm the decision or may set aside the decision and substitute the decision of Council.
32. Where this Bylaw delegates a power, duty or function to a named position, the delegation of the power, duty or function is to the person who from time to time holds the position and to any person who from time to time is the deputy of the person so appointed by Council.

### **Landscape Plan**

33. Where a landscape plan is required, every plan shall provide the following information:
- a) drawings which show the dimensions and location of all existing and proposed landscaping relative to existing and final site grades, vehicle areas, property lines, easements, adjacent land uses, building entrances and walkways, exterior lighting, street furniture, hydrants, garbage collections areas, utility poles and underground utilities;
  - b) drawings which describe the existing and proposed plant materials identifying common and scientific plant names, quantity, caliper, rootball size and height at planting;
  - c) drawings which describe the irrigation systems relative to boulevards, buffer strips and public right-of-ways, direction of drainage and catch basins and sub drains marked with the proposed rim and invert elevations;
  - d) landscape drawings are to include a north arrow and legend that includes date, metric scale, revision box and plant materials list;
  - e) any information as required by the Director of Development Services.

34. Any changes to an approved landscape plan must be authorized by the Director of Development Services.
35. No building permit shall be issued prior to the approval of the landscape plan.
36. No occupancy permit shall be issued prior to completing the landscape requirements in accordance with the approved landscape plan, unless securities or warranties are in place.

**Inspection**

37. The Director of Development Services, Bylaw Enforcement Officer and the Building Inspector and any authorized representative of the District under their direction is hereby authorized to enter at all reasonable times upon any premise to ascertain whether the regulations and provisions of this bylaw are being or have been complied with.

**Offence**

38. Every person who violates a provision of this bylaw commits an offence and is liable on summary conviction to a penalty not exceeding \$2000 and costs of prosecution.
39. Each day a violation of the provisions of this bylaw exists or is permitted to exist shall constitute a separate offence.
40. No person or owner shall alter a building or land in a Development Permit area as designated by the Official Community Plan unless the owner holds a valid permit issued pursuant to this bylaw.
41. All applicants shall be notified within 21 days of a Council decision to issue, refuse, reject, amend or proceed with an amending bylaw, development permit or a development variance permit.

**Repeal**

42. Bylaw No. 1165, cited as "Development Approval Procedures and Fees Bylaw No. 1165, 2003" is repealed.

**Effective Date**

43. This bylaw comes into force on the date of adoption of this bylaw.

Introduced and Read a First Time this 22<sup>nd</sup> day of November, 2005.

Read a Second Time this 22<sup>nd</sup> day of November, 2005.

Read a Third Time this 22<sup>nd</sup> day of November, 2005.

**RECONSIDERED and FINALLY ADOPTED** this 13<sup>th</sup> day of December, 2005.



\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

Certified a true copy of Bylaw No.  
this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Clerk

Schedule "A"

DISTRICT OF INVERMERE  
DEVELOPMENT APPLICATION

I/We \_\_\_\_\_  
(print full name of applicant)

of \_\_\_\_\_  
(mailing address)

\_\_\_\_\_  
(telephone and fax)

- |  |   |
|--|---|
| <input type="checkbox"/> an official community plan    | <input type="checkbox"/> a zoning bylaw       |
| <input type="checkbox"/> a land use contract           | <input type="checkbox"/> a development permit |
| <input type="checkbox"/> a development variance permit | <input type="checkbox"/> board of variance    |
| <input type="checkbox"/> subdivision of real property  | <input type="checkbox"/> sign permit          |

for the property within the District of Invermere that is legally described below:

\_\_\_\_\_  
(lot, block, district lot, plan and parcel identifier)

COMPLETE IF THE APPLICANT IS NOT THE REGISTERED OWNER:

\_\_\_\_\_  
(print full name(s) of owner)

of \_\_\_\_\_  
(mailing address)

\_\_\_\_\_  
(telephone and fax)

I/We, the owner(s), acknowledge and give my/our consent to this application and authorize the applicant to be my/our agent in this matter.

\_\_\_\_\_  
Signature(s)

\_\_\_\_\_  
Date

REASONS FOR THIS MAKING APPLICATION:

(Describe as fully as possible the present use of the property, its area and physical features, the location of buildings or other improvements, the proposed use and the requested change(s) to the official community plan, the zoning bylaw and/or a land use contract. Attach maps, plans, photographs and any technical information to assist the municipality in evaluating this application)

\_\_\_\_\_  
\_\_\_\_\_

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THIS APPLICATION WILL NOT BE ACCEPTED WITHOUT THE REQUIRED APPLICATION FEE AS PER THE ADOPTED FEE SCHEDULE.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

Information Submitted

- Application Fee
- State of Title Certificate
- Easements and Right-of-Way Information
- Plot Plan

- Proposal
- Landscape Plan
- Elevation Drawings
- Other: \_\_\_\_\_

Schedule "B"

Development Application Fees

		Fee Total	Other Costs	Non-Refundable Portion	Refundable Portion
A.	Application to amend the Official Community Plan	\$1,500	Costs of Advertising	\$750	\$750
B.	Zoning Bylaw Amendment	\$1,500	Costs of Advertising	\$750	\$750
C.	Area Structure or Neighbourhood Plans	\$3500 + \$100/hectare (gross site area)	Costs of Advertising	\$2,500	\$1000 + \$100/hectare
D.	Subdivisions (including fee simple, bareland stratas, phased stratas, and stratification of existing buildings)	\$150 for the first parcel to be created + \$125 for each additional parcel thereafter		50% refundable if application is withdrawn within 45 days	
E.	Application for a Development Permit				
	<i>Hazardous Slopes and Watercourse, Wetlands and Wildlife Development Permits</i>	\$500		\$250	\$250
	<i>Residential</i>	\$600 for the first 10 units + \$50 for each additional unit to a max. of \$5000		\$300	50% of remainder of fee
	<i>Commercial</i>	\$600 for the first 500 sq m gross building area + \$50 for each additional 100 sq m to a max. of \$5000		\$300	50% of remainder of fee
	<i>Minor Amendments to Development Permits</i>	\$300 - amendments to allow minor alterations to the Development Permit not exceeding \$50,000 building costs and not exceeding 50 sq m		\$150	\$150
	<i>Major Amendment to Development Permits</i>	\$600 - amendments to allow major alterations exceeding \$50,000 building costs or exceeding a building area of 50 sq m		\$300	\$300
	<i>Façade improvements (front building face only)</i>	\$100		\$100	
	<i>Placement of Signs as per Bylaw 1044</i>	\$45		\$45	n/a

<b>F. Application for a Development Variance Permit</b>				
	<i>Stand Alone Application</i>	<b>\$1,000</b>	\$500	\$500
	<i>Each Variance in conjunction with a Development Permit</i>	<b>\$200</b>	\$200	n/a
<b>G.</b>	<b>Road Closure Application</b>	<b>\$1,000</b>	Costs of Advertising \$500	\$500
<b>H.</b>	<b>Amendments to or Discharge of a restrictive covenant</b>	<b>\$1,000</b>	Costs of Advertising \$500	\$500
<b>I.</b>	<b>Amendments to a Land Use Contract</b>	<b>\$1,000</b>	Costs of Advertising \$500	\$500
<b>J.</b>	<b>Board of Variance Applications</b>	<b>\$1,000</b>	\$500	\$500

1. All costs expended as part of the District's review of a development application will be invoiced to the applicant. This review may include, but is not limited to, legal opinions, engineering review and independent environmental reviews.