



Development Application Procedures Bylaw 1177, 2016

1210

THIS DOCUMENT HAS BEEN REPRODUCED FOR CONVENIENCE ONLY and is a consolidation of "Development Application Procedures Bylaw 1177, 2016" with the following amending bylaws:

Bylaw Number	Dated Adopted	Section Amended
1210	October 2, 2017	Schedule A

Individual copies of any of the above bylaws are available from the Corporate Services Department of the District of Sparwood. For legal purposes, copies of the original bylaws should be obtained.

DISTRICT OF SPARWOOD

Box 520
136 Spruce Avenue
Sparwood, BC V0B 2G0

Phone: 250.425.6271
Fax: 250.425.7277

www.Sparwood.ca

**DISTRICT OF SPARWOOD
DEVELOPMENT APPLICATION PROCEDURE BYLAW 1177, 2016**

A bylaw to define procedures under which to apply for a Bylaw Amendment or Permit and to specify distances for the purpose of notification

WHEREAS Council has adopted an Official Community Plan and Zoning Bylaw;

AND WHEREAS Council has designated areas within which development permits are required;

AND WHEREAS Council has designated areas within which temporary use permits may be issued;

AND WHEREAS under the *Local Government Act*, Council must, by bylaw, define procedures under which an owner of land may apply for an amendment to the Official Community Plan or Zoning Bylaw or for the issue of a permit under the *Local Government Act*;

AND WHEREAS under the *Local Government Act*, Council may impose a fee for an application to initiate changes to an Official Community Plan Bylaw, Zoning Bylaw or issuance of a permit;

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

1. CITATION

1.1. This Bylaw shall be cited as “**Development Application Procedures Bylaw 1177, 2016**”

2. DEFINITIONS

In this Bylaw:

QUALIFIED PROFESSIONAL refers to an applied scientist, technologist, or similar expert acting alone or together with another qualified professional, where:

- The individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association’s code of ethics and subject to disciplinary action by that association.
- The individual’s area of expertise is recognized by the District of Sparwood as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal; and, the individual is acting within that individual’s area of expertise.
- District of Sparwood Staff with appropriate expertise may be considered Qualified Professionals.

3. SCOPE

This Bylaw shall apply to the following applications:

- 3.1. An Application to amend:
 - (a) The Official Community Plan; or,
 - (b) The Zoning Bylaw.
- 3.2. An Application for the issuance of:
 - (a) A Development Variance Permit;
 - (b) Temporary Use Permit; or
 - (c) The following Development Permits:
 - [i] *Riparian Protection Development Permit;*
 - [ii] *Hazard Land Development Permit; or,*
 - [iii] *Form and Character Development Permit.*
- 3.3. An Application to review a Section 219 covenant

4. APPLICATION

- 4.1. An application for an amendment or a permit shall be made by:
 - (a) The owner of property with interest in the amendment; or,
 - (b) An agent authorized by the owner with interest in the amendment.
- 4.2. An application shall be provided on an applicable form as prescribed by the District pursuant to the current District of Sparwood Delegation Bylaw.
- 4.3. The District may require a site visit or further information to be provided after the initial application and prior to proceeding to Council.
- 4.4. An application shall contain all information and follow the process in the order prescribed in the following attached Schedules:
 - (a) Schedule B for an Amendment to the Official Community Plan or Zoning Bylaw;
 - (b) Schedule C for a Development Variance Permit;
 - (c) Schedule D for a Temporary Use Permit;
 - (d) Schedule E for a Riparian Protection Development Permit;
 - (e) Schedule F for a Hazard Land Development Permit; or,
 - (f) Schedule G for a Form and Character Development Permit.
- 4.5. All applications may be submitted concurrently.
- 4.6. An application rejected by *Council* shall not be resubmitted within six (6) months of refusal, unless:
 - (a) The District deems the application to be substantially different in context or material; or,
 - (b) Pursuant to the Local Government Act, *Council* through two-thirds (2/3) majority, passes a resolution to accept the resubmission.

5. NOTIFICATION

Delivery of Notice

- 5.1. An application under this Bylaw shall be circulated to District departments, agencies, organizations or levels of government for their review and comment as appropriate and as required by law.
- 5.2. In the case of an application to amend a bylaw or a proposal to issue a Temporary Use Permit or 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 within 60 metres, measured from the boundaries of the parcel to which the application pertains, shall be notified in accordance with the *Local Government Act*.
- 5.3. Notification under Section 5.2 is not required if ten (10) or more properties owned by ten (10) or more persons are subject to an application to amend a bylaw.

Development Notice Sign

- 5.4. Every person who has a property that is either the subject of a bylaw amendment that requires a public hearing or subject to a proposed Development Variance or Temporary Use Permit that requires Council consideration shall erect a Development Notice Sign, at their own cost, which must:
 - (a) Be erected at least ten (10) days prior to the public hearing or scheduled Council meeting;
 - (b) Remain in place for no more than ten (10) days after the conclusion of the public hearing or Council has rendered their decision;
 - (c) Be installed in a safe and secure manner, and able with withstand winds;
 - (d) Be in the format prescribed by the District;
 - (e) Be installed as one (1) sign per public highway abutting the property; and,
 - (f) Be situated no further than 3m from the property line in such a manner that it is both completely visible and legible from a public highway; but,
 - (g) Not obstruct vehicular traffic on a highway, from a driveway or at any intersection;
- 5.5. If required and in order to be visible from a public highway, a Development Notice Sign may encroach on a District boulevard as long as it does not impede pedestrian traffic or damage or obstruct underground irrigation or utilities and it is within 1m of the property line.
- 5.6. It is the responsibility of the applicant to maintain each Development Notice Sign for the duration of the process outlined in Section 5.4.
- 5.7. Any applicant who violates directions provided in Section 5.4 for the erection of a Development Notice Sign may have their consideration deferred and will be responsible for any costs incurred by the District for any deferral.
- 5.8. No person shall alter, change, damage, tamper or remove a Development Notice Sign on any property without authorization from the District.

6. LAPSE OF APPLICATION

- 6.1. An application under this Bylaw is considered lapsed, if:
 - (a) The applicant has not communicated or submitted outstanding material to the District within a period of six (6) months; or,
 - (b) The applicant has not submitted material deemed sufficient by the District within eighteen (18) months of initial application.
- 6.2. An application for an amendment under Section 3.1 considered lapsed shall have all readings rescinded by resolution of Council, if any, at the next available Regular Meeting.
- 6.3. An application that has lapsed may be offered an extension for a period of six (6) months by resolution of Council upon written request by the applicant received within one (1) month after lapsing.

7. FEES AND SECURITY

- 7.1. A completed application shall be submitted with the appropriate fee set out in Schedule A of this Bylaw.
- 7.2. Where concurrent applications are submitted, a discount to the cumulative fee of twenty-five percent (25%) shall be applied.

Refunds

- 7.3. Where an application is withdrawn prior to any required public notice under the *Local Government Act*, the applicant shall be entitled to a fifty percent (50%) refund of application fees.
- 7.4. Fees are not refunded if an application is unsuccessful or the application is deemed to have lapsed under Section 6 of this Bylaw, nor can those fees be remitted for resubmission of the application.

Security

- 7.5. The *District* may, when issuing a Development Permit, Development Variance Permit, or Temporary Use Permit, require security for the purposes of landscaping and protection of the environment as per the *Local Government Act*.

8. SEVERABILITY

- 8.1. If any section, subsection, sentence, clause or phrase of this Bylaw is held to be invalid by a court of competent jurisdiction, that section, subsection, sentence, clause or phrase, as the case may be, shall be severed and the validity of the remaining portions of the Bylaw shall not be affected.

9. REPEAL OF PRIOR BYLAWS

- 9.1. The Land Use Application Procedures Bylaw 1042, 2010 and all amendments thereto are hereby repealed.

10. SCHEDULES

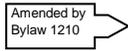
10.1. Schedule A, B, C, D, E, F, and G attached hereto and made part of this Bylaw.

READ A FIRST TIME THIS	18 th	DAY OF	JANUARY, 2016
READ A SECOND TIME THIS	18 th	DAY OF	JANUARY, 2016
READ A THIRD TIME THIS	18 th	DAY OF	JANUARY, 2016
ADOPTED THIS	1 st	DAY OF	FEBRUARY, 2016

Mayor

Corporate Officer

**DISTRICT OF SPARWOOD
DEVELOPMENT APPLICATION PROCEDURE BYLAW 1177, 2016
Schedule A – Fees and Charges**



A.1. The follow fees must be submitted with an application under this Bylaw and as per Section 7 of this Bylaw

Table A-1 – Fees and Charges

Application	Fee
Amendments	
Official Community Plan Amendment *	\$1000
Zoning Bylaw Amendment *	\$750
Concurrent Official Community Plan Amendment and Zoning Bylaw Amendment *	\$1300
Permits	
Temporary Use Permit *	\$750
Development Variance Permit *	\$400
Riparian Protection Development Permit	\$300
Avalanche and Flood Hazard Land Development Permit	\$300
Steep Slope Hazard Land Development Permit	\$300
Form and Character Development Permit (For construction valued at \$5,000 or over)	\$300
Form and Character Development Permit (For construction valued at under \$5,000)	\$50
Reviews	
Review of a draft Section 219 Covenant	\$250
Development Notice Signs	
Where indicated by an asterisk (*), the applicant is required to pay an additional fee for a Development Notice Sign and administrative costs to design and order the sign.	\$ Actual Cost + 15% administration fee

**DISTRICT OF SPARWOOD
DEVELOPMENT APPLICATION PROCEDURE BYLAW 1177, 2016
Schedule B – Procedures for Bylaw Amendments**

- B.1. Pursuant to the *Local Government Act*, the owner of land may apply for an amendment to the Official Community Plan or Zoning Bylaw
- B.2. Prior to application, it is recommended that the applicant confer with the District on the proposed amendment, whether for guidance or alternative procedures
- B.3. The applicant shall provide, including the items outlined in Table B-1, the rationale behind the Bylaw Amendment, its purpose and potential effects to the surrounding properties and community
- B.4. *District* Staff shall conduct a review of the application and request any additional or supplemental information
- B.5. An internal and external referral process shall commence and the applicant will be informed and offered to amend the application prior to submission to *Council*
- B.6. *Council* shall give notice to hold a Public Hearing or waive this obligation if a Zoning Bylaw amendment is consistent with the Official Community Plan
- B.7. If *Council* elects to waive the Public Hearing, *Council* shall give public notice proposing a resolution on the application pursuant to the *Local Government Act*
- B.8. *Council* may, after the Public Hearing, impose conditions to the amendment and defer, deny or table the amendment
- B.9. Specific amendments may require a relevant ministerial approval prior to adoption

Table B-1 – Required Documentation

Document	Notes
1. Site Plan*	The location of the property where the amendment will apply, including: <ul style="list-style-type: none"> • Site Plan of each property affected (1:200 scale minimum) • The proposed development, including where, when appropriate, the present bylaw conflicts • Location and details of existing rights-of-way, easements or restrictive covenants • Surrounding properties and use (1:500 scale minimum)
2. Rationale	Document detailing the existing bylaw, its sections and provisions, the proposed new or amended wording and the rationale behind the change. This shall include the effects, positive or negative, to surrounding property
3. Site Profile	Completed Schedule 1 of the <i>Environment Management Act</i> Contaminated Sites Regulation (http://www.env.gov.bc.ca/epd/remediation/forms/pdf/site_profile.pdf)

* All plans are expected to follow standard architectural rules for content, including: dimensions, scale, a north arrow, legend and a dated, detailed title box. Digital copies may also be requested.

**DISTRICT OF SPARWOOD
DEVELOPMENT APPLICATION PROCEDURE BYLAW 1177, 2016
Schedule C – Procedures for Development Variance Permits**

- C.1. Pursuant to the *Local Government Act*, the owner of land may apply for a variance to a *District Bylaw*
- C.2. The applicant shall provide, including the items outlined in Table C-1, the specific by-law and section to be varied and the rationale behind the variance
- C.3. *District* Staff shall conduct a review of the application and request any additional or supplemental information
- C.4. An internal and external referral process shall commence and the applicant will be informed and offered to amend the application prior to referral to *Council*
- C.5. *Council* shall give public notice proposing a resolution on the application as per Section 5 of this Bylaw and the *Local Government Act*
- C.6. Upon approval by *Council*, the Development Variance shall be registered against the Title of the property
- C.7. If a Development Permit was applied for concurrently, the Permit may be issued after this approval

Table C-1 – Required Documentation

Document	Notes
1. Site Plan*	The location of the property where the permit will apply, including: <ul style="list-style-type: none"> • Site Plan of each property affected (1:200 scale minimum) • Location of development and where the variance will apply • Surrounding properties and use (1:500 scale minimum)
2. Rationale	Document detailing the existing bylaw, its sections and provisions, the variance required and the rationale behind the change. This shall include the effects, positive or negative, to surrounding property
3. Site Profile	Completed Schedule 1 of the <i>Environment Management Act</i> Contaminated Sites Regulation (http://www.env.gov.bc.ca/epd/remediation/forms/pdf/site_profile.pdf)

* All plans are expected to follow standard architectural rules for content, including: dimensions, scale, a north arrow, legend and a dated, detailed title box. Digital copies may also be requested.

**DISTRICT OF SPARWOOD
DEVELOPMENT APPLICATION PROCEDURE BYLAW 1177, 2016
Schedule D – Procedures for Temporary Use Permits**

- D.1. Pursuant to the *Local Government Act*, the owner of land may apply for a Temporary Use Permit if those lands are within those areas designated in the Official Community Plan
- D.2. Prior to application, it is recommended that the applicant confer with the District about the proposed amendment, whether for guidance or alternative procedures
- D.3. The Applicant shall provide, including the items outlined in Table D-1, the specific use requested and the duration of said use
- D.4. *District* Staff shall conduct a review of the application and request any additional or supplemental information
- D.5. An internal and external referral process shall commence and the applicant will be informed and offered to amend the application prior to referral to *Council*
- D.6. *Council* shall give public notice proposing a resolution on the application as per Section 5 of this Bylaw and the *Local Government Act*
- D.7. *Council* may impose conditions, including expiry of the permit or restoration plans, and request security to guarantee performance
- D.8. If a Development Permit or a Development Variance Permit was applied for concurrently, those Permits may be issued after this approval

Table D-1 – Required Documentation

Document	Notes
1. Site Plan*	The location of the property where the permit will apply, including: <ul style="list-style-type: none"> • Site Plan of each property affected (1:200 scale minimum) • Location of the temporary use • Surrounding properties and use (1:500 scale minimum)
2. Timeline of Use	Description of use, its location and length of operation, periodic and holistic
3. Remediation Plans	Detailed plans for remediation of the property to original state (or bettered) including the expected timeframe for start, on-going monitoring and completion, if required
4. Site Profile	Completed Schedule 1 of the <i>Environment Management Act</i> Contaminated Sites Regulation (http://www.env.gov.bc.ca/epd/remediation/forms/pdf/site_profile.pdf)

* All plans are expected to follow standard architectural rules for content, including: dimensions, scale, a north arrow, legend and a dated, detailed title box. Digital copies may also be requested.

**DISTRICT OF SPARWOOD
DEVELOPMENT APPLICATION PROCEDURE BYLAW 1177, 2016
Schedule E – Procedures for Riparian Protection Development Permits**

- E.1. Pursuant to the *Local Government Act*, the owner of land within the Official Community Plan Riparian Protection Development Permit Area as dedicated for the protection of the natural environment, its ecosystems and biological diversity shall obtain a permit prior to any work occurring
- E.2. The Applicant shall provide, including the items outlined in Table E-1, an assessment report by a *Qualified Professional* in the relevant discipline and licensed to practice within the Province of British Columbia
- E.3. The applicant will meet with District Staff prior to submission to discuss the project in order for the District to develop the Terms of Reference for the *Qualified Professional* report
- E.4. An internal and external referral process shall commence and the applicant will be informed and offered to amend the application
- E.5. The District will review the permit and may impose conditions, including areas that are dedicated or must be enhanced, and request security to guarantee performance
- E.6. If a Development Variance Permit is required for this permit, this permit will not be issued until the variance is passed by *Council*
- E.7. Where required by the District, a Section 219 Covenant shall be registered against the title of the property and any building permit then issued

Table E-1 – Required Documentation

Document	Notes
1. Site Plan*	The location of the property where the permit will apply, including: <ul style="list-style-type: none"> • Site Plan of each property affected (1:200 scale minimum) • Location of proposed development • Surrounding properties and use (1:500 scale minimum)
2. Ecological Assessment	A report by a qualified professional that satisfies the Terms of Reference provided by the District at the pre-application stage (E.3)
4. Monitoring Timeline	On-going efforts to ensure mitigation efforts were effective or if remediation is required
5. Site Profile	Completed Schedule 1 of the <i>Environment Management Act</i> Contaminated Sites Regulation (http://www.env.gov.bc.ca/epd/remediation/forms/pdf/site_profile.pdf)

* All plans are expected to follow standard architectural rules for content, including: dimensions, scale, a north arrow, legend and a dated, detailed title box. Digital copies may also be requested.

**DISTRICT OF SPARWOOD
DEVELOPMENT APPLICATION PROCEDURE BYLAW 1177, 2016
Schedule F – Procedures for Hazard Land Development Permits**

- F.1. Pursuant to the *Local Government Act*, the owner of land within the Official Community Plan Hazard Land Development Permit Area as dedicated for the protection of development from hazardous conditions shall obtain a permit prior to any work occurring
- F.2. The applicant will meet with District Staff prior to submission to discuss the project
- F.3. The Applicant shall provide, including the items outlined in Table F-1, an assessment report by a *Qualified Professional* in the relevant discipline and licensed to practice within the Province of British Columbia
- F.4. *District* Staff shall conduct a review of the application, with the possibility of review with other qualified professionals at the expense of the applicant, and request any additional or supplemental information
- F.5. An internal and external referral process shall commence and the applicant will be informed and offered to amend the application
- F.6. The District will review the permit and may impose conditions, including areas that shall remain free of development, and request security to guarantee performance
- F.7. Upon approval by the District, a Section 219 covenant in respect to the *Land Title Act* shall be registered against the title of the property and any building permit then issued

Table F-1 – Required Documentation

Document	Notes
1. Site Plan*	The location of the property where the permit will apply, including: <ul style="list-style-type: none"> • Site Plan of each property affected (1:200 scale minimum) • Contours and slope of the property, including highest and lowest elevation • Location of proposed development • Surrounding properties and use (1:500 scale minimum)
2. Hazard Assessment	A report by a qualified professional, detailing the existing hazards and proposed engineering to mitigate any danger to the property or surrounding area, including: <ul style="list-style-type: none"> • Avalanche Flows • Watercourses, shore treatment and 200-year flood levels • Soil quality and foliage coverage
5. Site Profile	Completed Schedule 1 of the <i>Environment Management Act</i> Contaminated Sites Regulation (http://www.env.gov.bc.ca/epd/remediation/forms/pdf/site_profile.pdf)

* All plans are expected to follow standard architectural rules for content, including: dimensions, scale, a north arrow, legend and a dated, detailed title box. Digital copies may also be requested.

**DISTRICT OF SPARWOOD
DEVELOPMENT APPLICATION PROCEDURE BYLAW 1177, 2016
Schedule G – Procedures for Form and Character Development Permits**

- G.1. Pursuant to the *Local Government Act*, the owner of land within the Official Community Plan Form and Character Development Permit Area as dedicated for the establishment of objectives for the form and character of commercial, industrial or multi-family residential development shall obtain a permit prior to any work occurring
- G.2. The Applicant shall provide all items outlined in Table G-1
- G.3. The District shall conduct a review of the application and request any additional or supplemental information
- G.4. The District will review the permit and may impose conditions and request security to guarantee performance
- G.5. Upon approval by the District, the Form and Character Permit shall be registered against the title of the property and any building permit then issued

Table G-1 – Required Documentation

Document	Notes
1. Site Plan*	The location of the property where the permit will apply, including: <ul style="list-style-type: none"> • Site Plan of each property affected (1:200 scale minimum) • Location of proposed development • Location of landscaping, parking, flow and amenities • Surrounding properties, use and design (1:500 scale minimum)
2. Design Plans*	Side elevation drawings depicting the design of the structures, their use of colour and material, human scale and mass and scale to surrounding properties, existing or proposed
3. Floor Plans*	Showing scale, natural or artificial lighting, entries and public spaces, loading and storage and elements that connect inside to outside
4. Environmental Design	Quality and details of the development that adds ecological benefit or reduces carbon footprint
5. Site Profile	Completed Schedule 1 of the <i>Environment Management Act</i> Contaminated Sites Regulation (http://www.env.gov.bc.ca/epd/remediation/forms/pdf/site_profile.pdf)

* All plans are expected to follow standard architectural rules for content, including: dimensions, scale, a north arrow, legend and a dated, detailed title box. Digital copies may also be requested.