

TOWN OF LADYSMITH



“Development Procedures Bylaw 2008, NO. 1667”

*Consolidated Version as on June 14, 2019
(This consolidation is authorized by “Bylaw Revision Bylaw 2022, No. 2090”)*

November 17, 2008

Includes Amendment Bylaw Nos.: 1681, 1750, 1806, 1973, 2009

TOWN OF LADYSMITH

BYLAW NO. 1667

A BY-LAW TO ESTABLISH APPLICATION PROCEDURES FOR AMENDMENTS TO THE OFFICIAL COMMUNITY PLAN, THE ZONING BYLAW, A LAND USE CONTRACT OR THE ISSUANCE OF A PERMIT UNDER PART 14 OF THE *LOCAL GOVERNMENT ACT* AND TO PROVIDE FOR NOTIFICATION FOR THESE APPLICATIONS

The Municipal Council of the Town of Ladysmith in an open meeting assembled enacts as follows:

1. Definitions

In this bylaw:

“Amendment” in relation to a Land Use Contract includes the partial or total discharge of the Land Use Contract;

Bylaw 1806 “Director” means the Director of Development Services for the Town of Ladysmith or his or her designate;

“Town” means the Town of Ladysmith;

All information requested shall be provided in metric.

2. Scope

This bylaw applies to an application for:

- (a) An amendment to:
 - (i) The Official Community Plan;
 - (ii) The Zoning Bylaw; or
 - (iii) A Land Use Contract

And,

- (b) The issuance of:
 - (i) A Development Permit;
 - (ii) A Development Variance Permit; or
 - (iii) A Temporary Commercial or Industrial Use Permit.

3. Application procedure

All applications described in Section 2 of this bylaw shall be made to the Director and shall be:

- a) Every applicant for an application described in Section 2 of this bylaw shall attend a pre-application meeting, unless this requirement is waived by the Director.;
- b) Made on an application form prescribed by the Director;
- c) Accompanied by the appropriate application fee; and
- d) Accompanied by all information required by the Director, including but not limited to covenants, site plans, grading plan, building elevations, materials and colours, signage plan and landscape plans.
- e) Reviewed once all required information has been submitted by the applicant.
- f) Accompanied by a survey for the subject property prepared by a BC Land Surveyor (BCLS).
 - (i) Site plans submitted for a proposed development shall be based on the BCLS survey.
 - (ii) The Director may waive this requirement when appropriate.

Bylaw 1973
~~Bylaw 1750~~
 Bylaw 1806

4. Application and Advertising Fees

- a) Application and statutory notice advertising fees shall be paid in accordance with the Fees and Charges Bylaw of the Town, as amended from time to time.
- b) Statutory notice delivery costs shall be paid by the applicant for applications under Section 2, prior to issuance of approval.

5. Application Process

- a) Every applicant for an application described in Section 2 of this bylaw shall attend a pre-application meeting, unless this requirement is waived by the Director.
- b) All applications described in Section 2 of this bylaw shall be reviewed by the Director who shall present a report to Council for its consideration, with the exception of development permits delegated pursuant to the Delegation Bylaw of the Town, as amended from time to time.
- c) The applicant shall be given notice of the Council meeting where the application is being considered and that the report to Council is available from the Council agenda posted on the Town's website.
- d) The applicant shall be given an opportunity to appear as a delegation at the meeting where the application is considered.
- e) The applicant shall be advised in writing of Council's decision.

Bylaw 1973

6. Posting Notification Signs

Where an application is submitted to rezone lands, amend the official community plan or a land use contract or obtain and temporary commercial or industrial use permit, the applicant shall prepare and post notification signs on the lands involved; and shall:

- a) Erect one sign on each street frontage of the lands involved within 14 days of the date of the public hearing or, where no public hearing is held, Council consideration of the land use application;
- b) Prepare and post the signs in accordance with the sign specifications prescribed by the Director and verify to the Director that the signs have been erected;
- c) Maintain and/or replace the signs as necessary; and
- d) Remove the signs within one week of the application being refused or approved by the Municipal Council or within one week of the application being withdrawn by the applicant.

7. Public Meetings

Bylaw 1973

- a) Where an application is submitted to amend the Official Community Plan, the applicant shall hold a neighbourhood information meeting at least 30 days prior to the holding of the public hearing on the bylaw, or another date acceptable to the Director, unless this required is waived by Council, and provide the input received to the Director in a form acceptable to the Director;
- c) Written public submissions considered by Council regarding (a) and (b) shall include the writer's property address.
- d) Public meetings shall be advertised by the applicant in a least one issue of the local newspaper.

8. Referral Process

Bylaw 2009

- a) The Director:
 - (i) May refer any application to federal and provincial government agencies;
 - (ii) Shall refer the following applications to the Community Planning Advisory Committee for feedback to applicants and recommendations to Council:
 - a. OCP amendment applications where a change in land use designation is proposed;
 - b. Rezoning applications where a change in zone, land use and/or density is proposed;
 - c. Development Permit applications for new construction in Development Permit Area 2 – Downtown; and
 - d. Development applications for the development or redevelopment of land, buildings and structures on the Community Heritage Register.
- b) Section 9 “Council Consideration” is amended by updating the *Local Government Act* reference in section 9(c)(ii) from “Section 894(1)(b)” to “Section 470(1)(b).”

9. Council Consideration

- a) Every application under Section 2 (a) of this bylaw shall be considered at a Council meeting at which time Council may:
 - (i) refer the application to a Public Hearing;
 - (ii) amend and then refer the application to a Public Hearing;
 - (iii) refer the application back to staff, a Committee or Commission of Council or to another agency;
 - (iv) table the application until the applicant provides further information requested by Council; or
 - (v) reject the application.
- b) Where an application for a Zoning Bylaw amendment or Land Use Contract amendment necessitates an amendment to the Official Community Plan, both amendments may be considered at the same Public Hearing.
- c) After considering, at a Public Hearing, an application under Section 2 (a) of this bylaw, Council may:
 - (i) Approve the application and adopt the bylaw;
 - (ii) Approve the application and, subject to Section 894 (1) (b) of the *Local Government Act*, alter then adopt the bylaw;
 - (iii) Refer the application to staff with instructions; or
 - (iv) Reject the application and defeat the bylaw.
- d) Every application for the issuance of a permit under Section 2 (b) of this bylaw, with the exception of a Development Permit delegated to the Director, shall be considered at a Council meeting at which time Council may:
 - (i) Authorize the issuance of a permit;
 - (ii) Authorize the issuance of a permit as amended by Council in its resolution; or
 - (iii) Refuse to authorize the issuance of a permit.

10. Public Hearing Process

- (1) Notice of a Public Hearing:
 - a) on a proposed amendment to the Zoning Bylaw to rezone lands; or
 - b) on a proposed amendment to a Land Use Contract; or

- c) on a proposed amendment to the Official Community Plan;

shall be provided, pursuant to the *Local Government Act*, to all parcels, any part of which is within or adjacent to the area that is subject to the bylaw amendment or otherwise lies within 60 metres of the boundary of a parcel that is subject to the bylaw.

- (2) Section 10(1) does not apply if the area that is subject to the bylaw includes 10 or more parcels owned by 10 or more persons.
- (3) The requirement for a Public Hearing may be waived by Council pursuant to the provisions of the *Local Government Act*.
- (4) At the public hearing, the applicant shall be given an opportunity to make a presentation respecting the application. The applicant may also be requested to answer relevant questions the Council or members of the public present may wish to ask respecting the application.

11. Development Variance Permit

Bylaw 1973

- (a) If Council is considering issuing a Development Variance Permit, notice of the proposed variance to be considered shall be provided in accordance with the *Local Government Act* to owners and tenants of parcels, any part of which is the subject of the permit or lies within 60 meters of the boundary of a parcel that is subject to the permit.
- (b) Applicants shall receive a copy of the notice.
- (c) Once authorized, the Development Variance Permit shall be signed on behalf of the municipality by the Mayor and Corporate Officer.

12. Temporary Commercial or Industrial Use Permit

- (a) If Council is considering issuing a Temporary Commercial or Industrial Use Permit, notice of the meeting where that permit application is to be considered shall be provided in accordance with the *Local Government Act* to owners and tenants of parcels, any part of which is the subject of the permit or lies within 60 metres of the boundary of a parcel that is subject to the permit.
- (b) Applicants shall receive a copy of the notice.
- (c) Once authorized, the Temporary Commercial or Industrial Use Permit shall be signed on behalf of the municipality by the Mayor and Corporate Officer.

13. Tabling of Applications and Notice

The Council may table an application for a permit under Section 2 (b)(ii) and (iii) of this bylaw or adjourn the meeting and no further notice of the meeting is necessary if the time and place at which the Council will next consider the application is stated to those present at the time the application is tabled or the meeting is adjourned.

14. Inactive Applications

Every application under Section 2 shall be considered inactive and shall be closed if no substantial progress has been made to respond to the application requirements for a 12 month period.

15. Reapplication

Bylaw 1973

Subject to Section 460 of the *Local Government Act*, reapplication for a bylaw amendment or the issuance of a permit under Section 2 of this bylaw that has been refused by Council shall not be considered within a 12 month period immediately following the date of refusal unless an affirmative vote of at least two-thirds of the members of Council eligible to vote on the reapplication has been passed.

16. Repeal

This bylaw repeals “Town of Ladysmith Development Approval Procedures Bylaw 1988, No. 898”

17. Citation

This bylaw may be cited for all purposes as the **“Town of Ladysmith Development Procedures Bylaw 2008, No. 1667”**

READ A FIRST TIME the 3rd day of November, 2008

READ A SECOND TIME the 3rd day of November, 2008

READ A THIRD TIME the 3rd day of November, 2008

FINALLY ADOPTED the 17th day of November, 2008

Original signed by

MAYOR, R.Hutchins

Original signed by

CORPORATE OFFICER, S.Bowden