

**TOWN OF SMITHERS**  
**DEVELOPMENT PROCEDURES**  
**BYLAW NO. 1426**

*A Bylaw to establish the procedures and fees to amend the Zoning Bylaw and Official Community Plan, issue a permit under Part 26 of the Local Government Act, and establish the fees for Liquor Licence Applications.*

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**WHEREAS** the Council of the Town of Smithers has adopted an Official Community Plan and a Zoning Bylaw;

**AND WHEREAS** the Council has designated areas within which Temporary Commercial and Industrial Use Permits, and Development Permits are required;

**AND WHEREAS** the Council shall, pursuant to the Local government Act, establish procedures to amend a plan or bylaw, or issue a permit;

**AND WHEREAS** the Council has adopted a policy for processing applications for resolutions regarding Liquor Licenses, and may establish fees for processing those applications;

**NOW THEREFORE** the Council of the Town of Smithers, in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

(i) TITLE

This bylaw may be cited for all purposes as the "Town of Smithers Development Procedures Bylaw No. 1426, 2003."

(ii) SCOPE

This bylaw shall apply to the following:

(a) Applications to amend an Official Community Plan authorized by Section 976 of the *Local Government Act*, and applications to amend the Zoning Bylaw authorized by Section 903 of the *Local Government Act*.

(i) Issuance of Development Variance Permits authorized by Section 922 of the *Local Government Act*, Development Permits authorized by Section 920 of the *Local Government Act*, and Temporary Commercial or Industrial Use Permits authorized by Section 921 of the *Local Government Act*.

(b) Fees for applications for local government resolutions regarding liquor licenses.

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3. GENERAL CONDITIONS

- (a) Applications initiated by the Town are not subject to the requirements of this Bylaw.
- (b) Failure to comply with the requirements of this Bylaw does not constitute grounds for the setting aside, at the instigation of a party other than the Town, an amendment bylaw or permit.

4. SITE PROFILES

- (a) Site Profiles shall be submitted as required by the Provincial Contaminated Sites Regulation.
- (b) When a Site Profile has been forwarded to a “manager” as per the Contaminated Site Regulation, an application under this bylaw shall not proceed until the said “manager” has advised the municipality that a site investigation will not be required, or until the municipality has received a valid and subsisting approval in principle, conditional certificate of compliance or certificate of compliance under the *Waste Management Act*

5. APPLICATION

- (i) Unless initiated by the Town of Smithers, applications for an Official Community Plan amendment or Zoning Bylaw amendment or the issuance of a permit shall be made by the owner of the land involved or by a person authorized by the owner in writing. All joint tenants and tenants in common must sign the application.
- (ii) Applications shall be made to the Chief Administrative Officer (CAO) for the Town of Smithers, Deputy Chief Administrative Officer (DCAO) for the Town of Smithers, or their designate on the form prescribed by the Town of Smithers, and shall contain the following:
  - i. name of applicant
  - ii. name of registered owner
  - iii. legal description
  - iv. street address of the property
  - v. present zoning and community plan designation
  - vi. description of existing use
  - vii. description of proposed use
  - viii. reasons, comments or plans in support of the application
  - ix. title search for the property

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- (iii) Applications shall be submitted with the fees specified in Schedule "A" attached to and forming a part of this bylaw. An application shall be deemed not to have been made until the required fees and documentation have been received by the Town of Smithers.

6. APPLICATION REVIEW PROCEDURE

- (i) Procedure for Zoning Bylaw amendments, Official Community Plan amendments, Temporary Commercial and Industrial Use Permits, and Development Variance Permits.
  - i. Upon receipt of a complete application, the application shall be processed by Town staff who shall present the application to the Planning and Design Committee of Council for consideration. The Planning and Design Committee review shall occur in accordance with the Terms of Reference for the Committee approved by Council.
  - ii. After consideration by the Planning and Design Committee, the application shall be referred to a meeting of Council for consideration. The application shall be accompanied by a report prepared by Administration that shall contain:
    - a. the details of the application;
    - b. a copy of any permit under consideration for approval;
    - c. the recommendations of Administration; and
    - d. the recommendations from the Planning and Design Committee.
- (b) Procedure for Development Permits
  - i. Upon receipt of a complete application for a Development Permit, the application shall be processed by Town staff who shall present the application to the Planning and Design Committee of Council for consideration when the construction value of the development is equal to or greater than \$25,000.00 dollars, as determined by the CAO, DCAO, or designate. The Planning and Design Committee review shall occur in accordance with the Terms of Reference for the Committee approved by Council.
  - ii. After consideration by the Planning and Design Committee, if required, the application shall be referred to a meeting of Council for consideration, when:

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- a. the total construction value of the development is equal to or greater than \$50,000 dollars, as estimated by Administration and Building Inspector;
  - b. a Development Variance Permit is required as part of the Development Permit; or
  - c. the Mayor, Chair of the Planning and Design Committee, or the CAO, DCAO, or designate does not support the issuance of the development permit, or requests that the application is presented to Council for consideration.
- iii. Applications referred to a meeting of Council for consideration shall be accompanied by a report prepared by Administration that shall contain:
- a. the details of the application;
  - b. a copy of any Permit under consideration for approval;
  - c. the recommendations of Administration;
  - d. the recommendations from the Planning and Design Committee; and
  - e. the comments of any referral agencies.
- iv. When a development permit is not required to be presented to Council for consideration, according to Section 6 of this Bylaw, the application shall be considered by the CAO, DCAO, or designate who may subsequently authorize the issuance of the permit.

7. NOTICE

- (a) Notice of a Public Hearing on the adoption of an Official Community Plan or Zoning Bylaw amendment bylaw, or notice that the Council proposes to pass a resolution to issue a Development Variance Permit or a Temporary Commercial or Industrial Use Permit, shall be mailed to owners and tenants in occupation of all parcels:
- i. within the area that is the subject of the bylaw or permit; and
  - ii. within a distance of sixty metres (60 m), including roads, from the land that is the subject of the bylaw or permit,.

8. PERMIT APPROVAL PROCEDURE

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- (a) In the case of an application for a Development Permit, upon receipt of the report under Section 6 of this bylaw, Council shall by resolution:
  - i. authorize the issuance of the Permit,
  - ii. authorize the issuance of the proposed permit as amended by the Council in its resolution, or
  - iii. refuse to authorize the issuance of the Permit;
  
- (b) In the case of an application for a Development Variance Permit, or Temporary Commercial or Industrial Use Permit, upon receipt of the report under Section 6, and after the statutory notice period:
  - i. provide an opportunity for the public, and the applicant to make representations to Council at a meeting of Council; and
  - ii. by resolution, authorize the issuance of the Permit as originally proposed, or as amended by Council; or
  - iii. refuse to authorize the issuance of the Permit, whether or not notice has been given pursuant to this subsection.

9. REFUSAL - AMENDMENT AND PERMITS

Where an application, amendment bylaw or a permit has been refused by the Council, Administration shall notify the applicant in writing within fifteen (15) days immediately following the date of refusal.

10. RE-APPLICATION

Subject to the requirements of Section 895 (3) of the *Local Government Act*, re-application for an amendment bylaw or permit that has been refused by the Council shall not be considered within a six (6) month period immediately following the date of refusal. This does not apply to Development Permits.

11. DELEGATION

Council hereby delegates to the CAO, DCAO, or designate the powers, duties and functions of the Council in respect of development permits under Section 920 of the *Local Government Act*, where the total construction value of the development is less than \$50,000 dollars, as estimated by Administration and Building Inspector.

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12. SEVERABILITY

If any portion of this Bylaw is found invalid by a court of competent jurisdiction, it shall be severed and the severance shall not affect the validity of the remainder of the Bylaw.

13. SCHEDULES

Schedule "A" forms part of this Bylaw and is attached hereto.

14. REPEAL

This Bylaw hereby repeals the Town of Smithers' "Development Procedures Bylaw No. 1224, 1997" and any amendments thereto in its entirety.

15. EFFECT

This Bylaw shall take full force and effect as of the date of adoption.

READ A FIRST TIME THIS 14<sup>th</sup> DAY OF JANUARY 2003.

READ A SECOND TIME THIS 14<sup>th</sup> DAY OF JANUARY 2003.

READ A THIRD TIME THIS 14<sup>th</sup> DAY OF JANUARY 2003.

ADOPTED THIS 28<sup>th</sup> DAY OF JANUARY 2003.

The Corporate Seal of the Town of  
Smithers

was hereto affixed in the presence of:

S E A L

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James A. Davidson  
Mayor

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Wallace Mah  
Corporate Administrator / CAO

WM/lp/jm 8/4/04

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**CERTIFIED A TRUE AND  
CORRECT COPY** of "Development  
Procedures Bylaw No. 1426".

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—  
Wallace Mah  
Corporate Administrator (CAO)

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SCHEDULE "A"

Fees Applicable Under Bylaw No. 1426

	<u>Fee</u>
1. Amend the Zoning Bylaw	\$600.00
2. Amend the Official Community Plan	\$700.00
3. Joint OCP/Zoning amendment	\$1000.00
4. Issue Development Variance Permit	\$300.00
5. Issue Temporary Commercial or Industrial Use Permit	\$600.00
6. Issue Development Permit (under \$50,000. construction value)	\$200.00
7. Issue Development Permit (equal to or above \$50,000. construction value)	\$300.00
8. Amendment to a Development Permit or Development Variance Permit	\$150.00
9. Local Government Resolution for a New Liquor Primary Licence	\$500.00
10. Local Government Resolution for an Amendment to a Liquor Primary Licence	\$300.00
11. Local Government Resolution for a Food Primary Licence	\$300.00
12. Local Government Comment for a Temporary Amendment to a Liquor Licence	\$200.00

Applications withdrawn, in writing, before a staff report is signed and before a review by the Planning and Design Committee shall be eligible for a 75% refund of the application fee.

Applications withdrawn, in writing, before the report is advanced to the Public Hearing or to Council for consideration of a resolution shall be eligible for a 50% refund of the application fee.