



BYLAW NO. 1643

DEVELOPMENT PROCEDURES

A bylaw to establish the procedures and fees for applications to amend the Official Community Plan, Zoning Bylaw or the issuance of permits under Part 26 of the Local Government Act

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

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

NOW THEREFORE the Council of the Town of Smithers, in open meeting assembled, enacts as follows:

1 – ADMINISTRATIVE PROVISIONS

- 1.1 This bylaw may be cited as “Bylaw No. 1643 – Development Procedures” and takes effect as of the date of adoption.
- 1.2 The “Town of Smithers Development Procedures Bylaw, No. 1426, 2003” and amendments are hereby repealed.
- 1.3 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.

2 – SCOPE

- 2.1 This bylaw shall apply to applications to amend the Official Community Plan, Zoning Bylaw and the issuance of Development Permits, Temporary Use Permits and Development Variance Permits.

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3 - GENERAL CONDITIONS

- 3.1 Applications initiated by the Town of Smithers are not subject to the requirements of this bylaw.
- 3.2 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 of Smithers, a bylaw amendment or permit.

4 - APPLICATION

- 4.1 Applications 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.
- 4.2 Applications shall be made to the Director of Development Services or designate on the form provided by the Town of Smithers and shall contain the following information:
- a) Name, address and signature of the applicant;
 - b) Name, address and signature of the registered property owner;
 - c) Legal description and civic address of the property;
 - d) Site profile as per the Contaminated Sites Regulation;
 - e) Present and proposed Official Community Plan designation and Zoning;
 - f) Description of the existing and proposed use(s);
 - g) Two (2) copies of a site plan that illustrates existing and proposed buildings, setbacks, parking, loading and landscaping;
 - h) Additional requirements as specified for Development Permit Applications in the Official Community Plan;
 - i) Reasons, comments or plans in support of the application.
- 4.3 Applications shall be submitted with the fees specified in Schedule "A" attached to and forming 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.

5 – DEVELOPMENT PERMIT EXEMPTIONS

- 5.1 Applications exempt from requiring a Development Permit shall provide the necessary documentation to support the exemption. A Building Permit shall not be issued prior to the exemption being approved by the Director of Development Services.

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- 5.2 A Form and Character Development Permit is not required for projects under \$75,000 in total construction value as long as the proposed construction adheres to the design guidelines. The applicant shall submit drawings and an estimate to be approved by the Director of Development Services prior to the Building Permit being issued. Only one of these exemptions shall be granted to one property in a two-year period.
- 5.3 Applications that do not receive approval for an exemption are required to proceed through the Development Permit application and review process.

6 - APPLICATION REVIEW PROCEDURE

- 6.1 The application shall be processed by Town Staff who shall present the application to the Advisory Planning Commission of Council for consideration. The Advisory Planning Commission shall review the application in accordance with the Terms of Reference for the Commission.
- 6.2 After consideration by the Advisory Planning Commission, the application shall be referred to a meeting of Council. The application shall be accompanied by a report prepared by Town Staff that shall contain:
- a) The details of the application;
 - b) A copy of any permit under consideration for approval;
 - c) The recommendations from Town Staff;
 - d) The recommendations from the Advisory Planning Commission; and
 - e) Any comments from referral agencies.

7 – NOTICE

- 7.1 Notice of a Public Hearing on the adoption of an Official Community Plan or Zoning Bylaw amendment, or notice that the Council proposes to pass a resolution to issue a Development Variance Permit or a Temporary Use Permit, shall be mailed to owners and tenants in occupation of all parcels:
- a) Within the area that is the subject of the bylaw or permit; and
 - b) Within a distance of sixty metres (60 m) measured from the legal boundary of the subject property.
- 7.2 Where an application is submitted for a joint Official Community Plan and Zoning Bylaw amendment, the applicant shall prepare and post notification signs on the lands involved at least (10) days prior to the Public Hearing date, and shall:

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- a) Erect one sign centered on each and every street frontage of the property so that signs are clearly visible from the adjoining streets;
- b) Prepare and post signs in accordance with the sign specifications prescribed by the Director of Development Services;
- c) Notify the Director of Development Services once signs are posted;
- d) Maintain the signs in good and legible condition and replace, at the applicant's expense, any signs that are damaged;
- e) Remove the signs within one week of the application being refused, approved, or withdrawn.

8 - PERMIT APPROVAL PROCEDURE

8.1 In the case of an application for a Development Permit, Council shall by resolution:

- a) Authorize the issuance of the Permit;
- b) Authorize the issuance of the Permit as amended by Council in its resolution; or,
- c) Refuse to authorize the issuance of the Permit.

8.2 In the case of an application for a Development Variance Permit or Temporary Use Permit, upon receipt of the Staff report and after the statutory notice period, Council shall:

- a) Provide an opportunity for the public and the applicant to make representations to Council at a meeting of Council; and
- b) By resolution, authorize the issuance of the Permit;
- c) Authorize the issuance of the Permit as amended by Council; or,
- d) Refuse to authorize the issuance of the Permit.

9 – SECURITY

9.1 As a condition of the issuance of a Development Permit, the Town of Smithers shall be provided with security in the form of cash, certified cheque or Irrevocable Letter of Credit to guarantee landscaping, off-site works and mitigate environmental damage.

9.2 The amount of security required shall be 100% of the costs as determined by the Director of Development Services using an estimate or quote provided by the applicant or obtained by the Town, prepared by a professional qualified to undertake or supervise the works for which the securities are required.

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- 9.3 As determined by the Director or Development Services, the applicant may be required to add a contingency amount of up to 10-25% to an amount of security as determined under 9.2.
- 9.4 Security, plus interest earned, shall be returned to the applicant once the conditions of the permit have been met.

10 - REFUSAL

- 10.1 Where an application for a bylaw amendment or permit has been refused by the Council, Town Staff shall notify the applicant in writing within five (5) working days immediately following the date of refusal.

11 - RE-APPLICATION

- 11.1 Subject to the requirements of the *Local Government Act*, re-application for a bylaw amendment 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.

READ A FIRST TIME THIS 11TH DAY OF JANUARY, 2011.

READ A SECOND TIME THIS 11TH DAY OF JANUARY, 2011.

READ A THIRD TIME THIS 11TH DAY OF JANUARY, 2011.

ADOPTED THIS 25th DAY OF JANUARY, 2011.

Cress Farrow
Mayor

Deborah Sargent
Corporate Administrator (CAO)

**CERTIFIED A TRUE & CORRECT
COPY** of Bylaw No. 1643 cited as
"Bylaw No. 1643 – Development
Procedures"

Deborah Sargent
Corporate Administrator (CAO)

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SCHEDULE "A"

Fees Applicable Under Bylaw No. 1643

	<u>Application Fee</u>
1. Joint Official Community Plan & Zoning Bylaw Amendment	\$1,500
2. Official Community Plan Amendment	\$1,200
3. Zoning Bylaw Amendment	\$1,000
4. Temporary Use Permit	\$600
5. Development Variance Permit	\$400
6. Development Permit	\$400
7. Development Permit Amendment	\$200

Applications withdrawn, in writing, before a staff report is signed and before a review by the Advisory Planning Commission 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.