



TOWN OF VIEW ROYAL

DEVELOPMENT PROCEDURES BYLAW NO. 730, 2009 As Amended by Bylaws No. 747, 831 and 958

A Bylaw to establish application procedures for amendments to the Official Community Plan, the Land Use Bylaw and Land Use Contracts, and the issuance of permits under *Part 26* of the *Local Government Act*, and to provide for notification of such applications.

The Council of the Town of View Royal, in open meeting assembled, enacts as follows:

1. Definition

In this Bylaw, “**Director of Development Services**” means the person appointed to that position by the Council of the Town of View Royal, or his or her designate.

2. Scope

This Bylaw applies to an application for an amendment to the Official Community Plan, the Land Use Bylaw or a land use contract, or the issuance of a development permit, a development variance permit, or a temporary commercial or industrial use permit.

3. Applications

An application described in Section 2 of this bylaw shall be made to the Director of Development Services, and shall be:

- (a) signed by the owner of the land that is the subject of the application, or by a person authorized in writing by the owner to act as his or her agent for the purpose of making the application;
- (b) made on the application form prescribed by the Director of Development Services;
- (c) accompanied by the information required by the Director of Development Services; and
- (d) accompanied by the application fee set out in Fees and Charges Bylaw No. 958 for that type of application, including any applicable large projects fee.

Bylaw No. 958, 2016

- (e) accompanied by a public hearing deposit as described in section (6)(6.14).

Amendment Bylaw No. 831, 2012

4. Posting of Application Signs

Where an application is submitted to amend the zoning designation of lands or amend a land use contract the applicant shall:

- (a) prepare notification signs in accordance with sign specifications prescribed by the Director of Development Services;
- (b) erect one sign on each street frontage of the lands within five (5) weeks of the application being submitted and not less than ten (10) days before the application is considered by the Council or any committee of the Council;
- (c) verify to the Director that the signs have been erected by providing hard copies of dated photographs of the signs as erected;
- (d) maintain and replace the signs as necessary; and
- (e) remove the signs within one week of the application being approved or refused by the Municipal Council, and within twenty-four (24) hours of the application being withdrawn by the applicant.

5. Application Fee Refunds

An applicant who has paid a public hearing deposit is entitled to a refund of the fee if the applicant has provided to the Director of Development Services all information required under this Bylaw in relation to the application for which the fee was paid and:

- (a) the Council rejects the application without convening a public hearing; or
- (b) the applicant withdraws the application before the Director of Development Services prepares a public hearing notice for publication or individual notification.

Amendment Bylaw No. 831, 2012

6. Notices

6.1 Where the *Local Government Act* requires mailing or other delivery of a notice to owners and occupiers in respect of an official community plan bylaw, zoning bylaw, land use contract amendment or temporary commercial or industrial use permit, the notice must be mailed or otherwise delivered to the owners and occupiers of all parcels of land that are the subject of the application or within a distance of:

- a) 400 metres of such a parcel for all residential (R), commercial (C), comprehensive development (CD) and industrial (I) land use applications; and
- b) 100 meters of such a parcel for all public use, institutional, transportation and park land (P) land use applications.

Amendment Bylaw No. 747, 2009

6.2 Where the *Local Government Act* requires mailing or other delivery of a notice to owners and occupiers in respect of a development variance permit, the notice must be mailed or otherwise delivered to the owners and occupiers of all parcels of land that are the subject of the application or within a distance of 100 metres of such a parcel.

6.3 Where an application is made for a development permit and the applicant seeks variances to any bylaw enacted under Division 7 or 11 of Part 26 of the *Local Government Act*, the Town shall make a reasonable effort to mail or otherwise deliver notice of the application, at least ten (10) days before adoption of any resolution to issue the permit, to the owners and occupiers of all parcels of land that are the subject of the application or within 100 metres of such a parcel.

6.4 Where an application is required by the *Local Government Act* to hold a Public Hearing the following shall apply:

- (a) A deposit as specified in Fees and Charges Bylaw No. 958 to cover the costs of processing, advertising and administration incurred by the Municipality that are related to the application to which a public hearing is required.

Bylaw No. 958, 2016

- (b) Additional deposits in increments as described in Fees and Charges Bylaw No. 958 shall be paid as required to cover costs detailed in 9(a) which exceed or are expected by the Director of Development Services to exceed the initial deposit required Fees and Charges Bylaw No. 958.

Bylaw No. 958, 2016

- (c) The request for additional deposits shall be made in writing to the applicant by the Director Development Services, who shall provide estimates of the additional costs that are likely to be incurred by the Municipality.
- (d) Upon conclusion of an application, the Director of Finance shall cause a reconciliation of all charges incurred under this Section to be prepared and forwarded to the applicant.

(e) In cases where the amount on deposit, as specified within Fees and Charges Bylaw No. 958 is more than the costs actually incurred by the Municipality, the Treasurer shall refund the excess deposit to the applicant.

Bylaw No. 958, 2016

(f) In cases where the amount on deposit as specified in Fees and Charges Bylaw No. 958 is less than the costs actually incurred by the Municipality, the Treasurer shall bill the excess costs to the applicant.

Bylaw No. 958, 2016

(g) No fee shall be levied for an application to amend the Official Community Plan made in conjunction with an application to amend the Land Use Bylaw, where both applications arise out of the same development proposal and are dealt with at the same public hearing.

Amendment Bylaw No. 831, 2012

7. Reapplication

7.1 If the Council refuses an amendment or permit, no person may reapply for the same amendment or permit until one year has elapsed from the date on which the decision was made.

7.2 Despite subsection 7.1, by an affirmative vote of at least 2/3 of its members eligible to vote on the reapplication, the Council may permit reapplication within the one-year period.

8. Application Forms and Permits

The Director of Development Services may prescribe application forms for the purposes of this bylaw, including different application forms for different types of applications, and may prescribe the form of development permits, development variance permits and temporary use permits.

9. This bylaw may be cited as "Development Procedures Bylaw No. 730, 2009."

READ A FIRST TIME THIS 20TH DAY OF JANUARY, 2009.

READ A SECOND TIME THIS 20TH DAY OF JANUARY, 2009.

READ A THIRD TIME THIS 20TH DAY OF JANUARY, 2009.

ADOPTED THIS 3RD DAY OF FEBRUARY, 2009.

MAYOR

CLERK

Town of View Royal - Bylaw No. 730, 2009
Schedule A
Application Fees

Amendment Bylaw No. 831, 2012
Deleted by Bylaw No. 958, 2016