

VILLAGE OF KASLO
BYLAW No. 1283

A BYLAW TO ESTABLISH PROCEDURES FOR DEVELOPMENT APPLICATIONS

The Council of the Village of Kaslo assembled in an open meeting enacts as follows:

1. Citation

This bylaw may be cited for all purposes as the “Development Procedures Bylaw No. 1283, 2022”.

2. Purpose

The purpose of this Bylaw is to establish application procedures for amendments to the Official Community Plan or the Zoning Bylaw or the issuance of a Development Permit, Development Variance Permit or Temporary Use Permit and to provide for notification regarding these applications.

3. Definitions

In this Bylaw, unless the context otherwise requires

“Applicant” means an Owner, or a person authorized by the Owner, who applies for a bylaw amendment or a permit under this Bylaw.

“Chief Administrative Officer” means the Chief Administrative Officer for the Village of Kaslo or their designate.

“Council” means the elected council of the Village of Kaslo.

“Owner” means the registered owner(s) of a parcel as identified on the Land Title Certificate.

“Parcel” means an area of land consisting of a lot, or two or more abutting lots, that are the object of an application submitted by an Applicant.

4. Scope

4.1 This Bylaw applies to an application for an amendment to the Village of Kaslo’s:

- a. Official Community Plan;
- b. Land Use (Zoning) Bylaw;

Or the issuance of:

- c. a Development Permit;
- d. a Development Variance Permit; or
- e. a Temporary Use Permit.

4.2 An enactment referred to in this bylaw is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated, or replaced from time to time,

and any bylaw referred to herein is a reference to an enactment of Council as amended, revised, consolidated, or replaced from time to time.

5. Application Submission Procedure

- 5.1 An application under this bylaw shall be made to the Chief Administrative Officer and, to be considered complete and accepted, must be:
- a. signed by the owner(s) of the land involved or by a person authorized in writing by the owner(s) to act as their agent and make the application on their behalf;
 - b. made on the prescribed application form available from the Village of Kaslo;
 - c. accompanied by any supplementary information required by the Chief Administrative Officer, and;
 - d. accompanied by the application fees prescribed in the current Fees and Charges Bylaw.
- 5.2 If the Chief Administrative Officer determines that an application is incomplete, the Applicant will be requested to provide the required information so that the application can be duly considered.
- 5.3 If the requested information is not provided within 6 months of the request the application will be considered withdrawn and fees paid will be refunded pursuant to the Fees and Charges Bylaw.
- 5.4 Where the Official Community Plan specifies certain guidelines and procedures for development permit applications, such requirements shall take precedence over the requirements of this bylaw.

6. Posting of Application Signs

- 6.1 Where an application is submitted to amend a bylaw, the applicant must prepare and post notification signs on the lands subject to the application at their expense and must:
- a. erect one sign on each street frontage of the proposed development by the earlier of:
 - i. 5 weeks of the application being submitted;
 - ii. 3 weeks prior to the date of the public hearing, if a hearing has been called by Council or required by legislation; or,
 - iii. 3 weeks prior to the Council meeting at which Council will consider the second reading of the proposed bylaw amendment.
 - b. prepare and post the signs in accordance with the sign specifications prescribed by the Chief Administrative Officer and verify to the Chief Administrative Officer that the signs have been erected;
 - c. maintain and/or replace signs as necessary; and

- d. remove the signs within one week of the application being approved or refused by the Municipal Council or within one week of the application being withdrawn by the applicant.

7. Application Fees

- 7.1 The applicant must pay the fees prescribed in the current Fees and Charges Bylaw.
- 7.2 The Chief Administrative Officer may refer applications to either Village staff, external agencies, organizations, or levels of government for review and comment.
- 7.3 For applications requiring professional expertise for which the Village does not have in-house resources or capacity the Chief Administrative Officer will require the applicant to pay additional fees based on the estimated costs of third-party contractors and consultants retained by the municipality to assist the Chief Administrative Officer and Council to evaluate the application. Such fees may be estimated at any time during the application process prior to approval. Estimated fees paid in advance will be adjusted for the actual cost incurred by the Village, pursuant to the Fees and Charges Bylaw. Issuance of a permit may be withheld until outstanding fees are paid by the applicant.

8. Procedures for Bylaw Amendment and Permit Applications

- 8.1 The Chief Administrative Officer must consider applications under section 4 of this bylaw and provide a report to Council with a recommendation to approve, deny or approve the application with specific conditions.
- 8.2 Where authority to approve a Development Permit has been delegated to Village staff, the Chief Administrative Officer will provide a decision in writing to the Applicant within fifteen (15) business days of receipt of a complete application unless additional information under 7.2 or 7.3 is required.
- 8.3 The Chief Administrative Officer or their designate shall promptly report to Council summarizing any permits that have been approved by staff.

9. Council Consideration

- 9.1 Council must hold a public hearing and give notice to the public in accordance with the provisions of the Local Government Act for any proposed amendment:
 - a. to the Official Community Plan; or,
 - b. to the Zoning Bylaw that is not consistent with the Official Community Plan.
- 9.2 Council must give notice to the public and may hold a public hearing in accordance with the provisions of the Local Government Act for a proposed amendment to the Land Use Bylaw that is consistent with the Official Community Plan.
- 9.3 Council is not required to hold a public hearing but must give notice in accordance with the Local Government Act to consider:
 - a. a Development Variance Permit; or,

- b. a Temporary Use Permit.
- 9.4 Council may require that the applicant hold a Public Information Session that includes an opportunity for stakeholders, persons potentially affected by the application, and the general public to ask questions and provide comment for the purpose of providing an additional opportunity for the public to access information and inquire about the application. The applicant shall:
- a. pay all costs associated with the Public Information Session;
 - b. ensure that those most affected by the proposal are invited as well as Village staff to the public information session;
 - c. within 10 days following the public information session, the Applicant shall submit a report to the Chief Administrative Officer summarizing the meeting including:
 - i. the location, date, time;
 - ii. number of attendees;
 - iii. description of how the meeting was advertised and how those potentially affected by the application were notified;
 - iv. a copy of the notification materials;
 - v. description of the information provided at the meeting;
 - vi. a summary of questions raised, discussions, and other input received during the meeting; and,
 - vii. identification of any changes to the application that the Applicant is making in response to comments or concerns raised at the session.

10. Notices, Filing on Title, Lapse of Permit

- 10.1 For applications where the Local Government Act requires a municipality to give notice, the Village shall mail or otherwise deliver the notice to:
- a. the owners of parcels, as shown on the assessment roll, within 60 metres from the boundary of the parcel or parcels that are the subject of the application;
 - b. the owners and occupiers of real property within the parcel or parcels that is the subject of the application.
- 10.2 The requirements for publication and content of a notice of public hearing, for notice of applications where no public hearing is necessary, and for filing notice of a permit in the Land Title Office are as specified in the Local Government Act and the Public Notice Bylaw.
- 10.3 A permit lapses if construction is not substantially started in accordance with the provisions of the Local Government Act.
- 10.4 Prior to the lapse of a permit, the Applicant may apply to renew or amend the permit.

11. Council Decision

11.1 Council may approve or refuse an application made under section 4 of this bylaw.

12. Reapplication

12.1 If an application is denied, a person is not permitted to reapply for the same amendment, rezoning, permit or agreement until six months has elapsed from the date on which the denial was made.

12.2 The six-month restriction in 12.1 is waived for:

- a. an appeal under 12.3 or 12.4; or,
- b. by an affirmative vote of at least 2/3 of its members that are eligible to vote on the reapplication, the Council may permit a person to reapply sooner.

12.3 Denial of a Development Permit or the conditions of the approval of a development permit by the Chief Administrative Officer, for permits where approval authority is delegated to staff by bylaw:

- a. may, at no charge, be appealed by the Applicant by filing a notice setting out the grounds for appeal with the Corporate Officer within ten (10) business days of the Applicant being notified in writing of the decision; and
- b. Council shall consider the appeal within thirty (30) days of the filing and the decision of Council is final.

12.4 Denial of a Development Variance Permit by Council may be appealed by application to the Board of Variance, with regard for the procedures and fees for application to that body, and a decision of the Board of Variance is final.

13. Delegation

13.1 The Chief Administrative Officer shall designate the form and content of application forms, including identifying what supporting documents are required, and in so doing may prescribe different forms for different categories of applications based on the nature or complexity of the application.

13.2 The Chief Administrative Officer, Corporate Officer, a Bylaw Enforcement Officer, a Building Official, and any other authorized representative of the Village under their direction may enter, or attempt to enter, at all reasonable times upon any premises to ascertain whether the regulations and provisions of this bylaw and any permits issued pursuant to this bylaw are being, or have been, met.

14. Penalties and Enforcement

- 14.1 A person shall not alter a building or land in a Development Permit Area as designated in the Official Community Plan unless the work is exempt under the Official Community Plan or the Owner holds a valid Development Permit issued in accordance with this bylaw.
- 14.2 Every person who violates a provision of this bylaw commits an offence and is liable on summary conviction to a penalty not exceeding Fifty Thousand Dollars (\$50,000.00) and the costs of prosecution.
- 14.3 Each day a violation of the provisions of this bylaw exists or is permitted to exist will constitute a separate offence.
- 14.4 A person shall not interfere with or obstruct the entry of a Bylaw Enforcement Officer or any authorized Village representative onto any land or into any building to which entry is made or attempted.

15. Repeal

- 15.1 The Village of Kaslo Development Procedures Bylaw No. 1131 and all amendments thereto are hereby repealed.

READ A FIRST TIME this 13th day of December, 2022

READ A SECOND TIME this 13th day of December, 2022

READ A THIRD TIME this 13th day of December, 2022

ADOPTED on the 10th day of January, 2023

Mayor

Corporate Officer

I hereby certify that this is a true and correct copy of the Village of Kaslo Development Procedures Bylaw No.1283, as adopted by Council.

Corporate Officer