

DISTRICT OF SECHELT

Bylaw No. 566-1, 2019

Being a bylaw to amend District of Sechelt Planning & Development
Procedures Bylaw No. 566, 2018

WHEREAS the Council of the District of Sechelt deems it necessary to amend the District of Sechelt Planning & Development Procedures Bylaw No. 566, 2018.

NOW THEREFORE the Council of the District of Sechelt in open meeting assembled, enacts as follows:

Title

1. This Bylaw may be cited for all purposes as “District of Sechelt Planning & Development Procedures Bylaw No. 566, 2018, Amendment Bylaw No. 566-1, 2019”.

Provisions

2. That Bylaw No. 566, 2018 is amended by adding this bylaw to the Summary of Amendments Table for Bylaw No. 566, 2018.
3. That Bylaw No. 566, 2018 is amended by altering the definition of Minor Development Permit in section 2.1 of Part 2 Definitions as follows:

PART 2: DEFINITIONS

2.1 In this bylaw, unless the context requires otherwise:

Minor Development Permit, for the purpose of this Bylaw, means a permit approved by the Director of Planning and Development which conforms to the Development Permit Guidelines of the Official Community Plan (OCP) and does not require any variances to the OCP or zoning bylaw. Minor Development Permits are established for the following instances:

- b) Natural Hazards and Steep Slope Development Permit Applications for Development Permit Areas where the application is for the construction of a single-detached dwelling; or the gross floor area of new construction is less than 20m² or 20% of the existing gross floor area (whichever is greater); or not more than one residential lot is being created; or the application is for the alteration, repair or replacement of any retaining structure;
- c) Environmentally Sensitive Development Permit Areas where development is subject to Provincial Riparian Areas Regulation;

4. That Bylaw No. 566, 2018 is amended revising the wording of section 7.3 Amount of Security as follows:

Amount of Security

7.3 In imposing security requirements under Section 502 of the *Local Government Act*, Council, or the Director of Planning and Development, may require the applicant to provide a security in the amount of 125 percent of the cost of the installation and/or construction of the works required under an approved permit.

5. That Bylaw No. 566, 2018 is amended by revising the wording of section 7.7 and 7.10 Return of Security as follows:

Return of Security

7.7 Unless otherwise stated in this bylaw, the District will return the security (or portion thereof) when a written request has been submitted by the applicant and includes a satisfactory report by the appropriately Qualified Professional (QP). The report must be signed and sealed by a QP, which includes a Landscape Architect, Qualified Environmental Professional or other Professional approved by the Director of Planning and Development and must include, at minimum:

7.10 Where security is provided for landscaping or revegetation, the Director of Planning and Development may withhold up to 80% of the original security deposit for a period up to two years following substantial completion of works and/or installation of all plantings, to address any planting failures and ensure work has been demonstrated to function as intended. A final inspection by District staff must occur before the remaining amount of the original security is released.

6. That Bylaw No. 566, 2018 is amended by revising the wording of sections 8.1 – 8.4, 8.6, 8.8, 8.21 of Part 8 Public Hearings, Meetings, and Notification as follows:

PART 8: PUBLIC HEARINGS, MEETINGS AND NOTIFICATION

Public Hearings for Amendments

- 8.1 In accordance with the *Local Government Act*, a Public Hearing is required before Council adopts a bylaw to:
- (a) Amend the Official Community Plan;
 - (b) Amend the Zoning Bylaw.

Waiving of Requirement for Public Hearing

8.2 In the case of an application or Council direction to amend a Zoning Bylaw, Council may waive requirements for holding a Public Hearing in accordance with the provisions of Section 467 of the *Local Government Act* where the application is consistent with the provisions of the Official Community Plan and Council deems the application to be in the public interest.

Notice of Public Hearing

- 8.3 Notice of Public Hearing shall be mailed or otherwise delivered at least 10 days before the Public Hearing to owners and occupants of:
- (a) All parcels, any part of which is within the area subject to the bylaw amendment; and
 - (b) All parcels, any part of which is within a distance of 100 metres from the area that is subject to the bylaw amendment.

- 8.4 If an amendment affects more than ten (10) properties owned by ten or more persons, the notification process will include notice in the newspaper as per Section 8.3, rather than delivered notice.

Public Consultation for Permits

- 8.6 Council may provide opportunity for public comment, in the form and to the extent Council considers appropriate, before passing a resolution to issue a:
- (a) Development Variance Permit;
 - (b) Development Permit with variances; or
 - (c) Temporary Use Permit.

Notice of Development Application

- 8.8 Council or the Director may define an expanded notification area beyond the prescribed distances specified for an amending bylaw Section 8.1 or notice of development applications described in Section 8.6.

Public Information Meeting

- 8.21 Applicants requesting a Permit must provide the summary report described in section 8.20 to the District at least seven (7) days prior to Council's consideration of the application.

7. That Bylaw No. 566, 2018 is amended by inserting a new section 9.3, renumber the existing section 9.3 and all subsequent sections accordingly in Part 9 Delegation of Authority:

- 9.3 Development Permits in respect of Development Permit Area 2 (Riparian) may be issued by the Director if the proposed development:
- a) Substantially complies with the BC Riparian Areas Regulation; and
 - b) Substantially complies with the Development Permit Area Guidelines; and
 - c) Conforms with the Zoning Bylaw, or
 - d) Requires variance(s) to the Zoning Bylaw that, in the opinion of the Director, prevents loss of habitat within the watercourse protection area.

8. That Bylaw No. 566, 2018 is amended by replacing the existing Schedule 1 Applications for Official Community Plan and Zoning Bylaw Amendments with the following revised Schedule 1:

SCHEDULE 1

APPLICATIONS FOR OFFICIAL COMMUNITY PLAN AND ZONING BYLAW AMENDMENTS

All applications for an amendment to the Official Community Plan and Zoning Bylaw Amendments submitted in accordance with this bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

Application Requirements

1. A complete application and applicable fee submitted by the owner/applicant. The requirements for the application are contained in the application form and the Complete Application Checklist.

Consultation

2. An application for an amendment to the Official Community Plan will include one or more opportunities for consultation with persons, organizations and authorities it considers affected by the application as outlined in the *Local Government Act*. The opportunity for consultation will be considered for each amendment application and will be addressed in the staff's report to Council.

Processing Procedures

3. The applicant will have a pre-application meeting to discuss the proposal and application requirements with District staff prior to submitting a formal application to the District.
4. Upon receipt of a complete application, staff will open a file and issue a receipt to the applicant. An application is not considered received and active until all required submission information is received and fees paid.
5. Staff will review the proposal for compliance with relevant District bylaws and policies. All applications to amend the Official Community Plan are evaluated against the "Criteria for Evaluating OCP Amendments" contained within Part 6 of the OCP.
6. For applications that are proposing a significant departure from the OCP in terms of use, use intensity, size of development area, density and/or location of a new growth area, a preliminary report will be prepared for consideration by Council. This provision may also apply to applications for a Comprehensive Development zone that propose a development concept that reflects a significant departure from the Zoning Bylaw. This is a "Permission to Proceed" report that will outline the submission information, the amendment criteria, and information requirements to process the report. Council will provide direction on whether the application should move to bylaw development; what consultation is required; and the extent of alignment with Council's plans and policies. Authorization to proceed allows staff to process an amendment application; it does not grant approval or guarantee that the project will be approved.
7. If Council does not grant permission to proceed, the applicant is notified in writing. A portion of the application fees are refunded as per the Fees Bylaw and the file is closed.
8. If Council grants permission to proceed, the application will be processed in the same manner as all other OCP amendments, as outlined below.

9. Council may, upon receipt of a report completed by Staff:
 - a) Give 1st Reading to the bylaw amendment pursuant to the application; or
 - b) Refer the application back to staff to make changes as directed; or
 - c) Defer or postpone the application; or
 - d) Reject the application.
10. Applicants will be required to post a Notice of Application sign on the property as per Sections 8.10 to 8.13 of this Bylaw.
11. If an application or policy proposal is considered minor and consistent with the OCP the Director of Planning and Development may opt to waive the need for a public information meeting.
12. Upon receipt of referral comments and summary of public information meeting an additional staff report will be forwarded to Council for consideration. At this time Council may consider 2nd Reading to a bylaw amendment and scheduling of a Public Hearing.
13. The Public Hearing notification is prepared in accordance with the *Local Government Act* and the provisions of this Bylaw.
14. The Public Hearing is held.
15. The Application proceeds for consideration of 3rd reading. Council may, without further notice:
 - a) Give 3rd Reading to the amending bylaw;
 - b) Make amendments to the bylaw, provided there is no change to the use or density, and give the bylaw 3rd Reading
 - c) Refer the application back to staff to make changes as directed and consideration of a second public hearing;
 - d) Defer or postpone the bylaw; or
 - e) Defeat and abandon the bylaw.
16. Once the applicant has adequately addressed all conditions identified at 3rd Reading, Council will consider 4th reading (adoption) of the bylaw(s).
17. Once the minutes of the Council resolution have been prepared, the Applicant will be notified of the outcome.

9. That Bylaw No. 566, 2018 is amended by revising Schedule 4 Temporary Use Permits as follows:

SCHEDULE 4

TEMPORARY USE PERMITS

All applications for Temporary Use Permits submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

A municipality has an ability to consider a Temporary Use Permit (TUP) for a use that is not considered in a Zone. As the name implies, the Temporary Use Permit is limited to a set time horizon and is often subject to conditions of use regarding the types and intensities of uses that can occur.

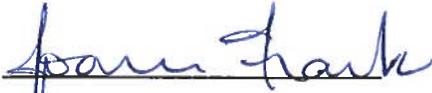
Consultation

- 1. Temporary Use Permits are subject to statutory notification requirements as outlined in the *Local Government Act* and Section 8.7 to 8.9 of this Bylaw. Members of the public, and the applicants, are encouraged to attend any open meeting of Council, Council Committees and the Advisory Planning Commission meetings. Delegation requests may be considered by Council in accordance with the Council Procedure Bylaw.

READ A FIRST TIME THIS	20 th	DAY OF	NOVEMBER,	2019
READ A SECOND TIME THIS	20 th	DAY OF	NOVEMBER,	2019
READ A THIRD TIME THIS	4 th	DAY OF	DECEMBER,	2019
ADOPTED THIS	18 th	DAY OF	DECEMBER,	2019



Mayor



Corporate Officer