

TOWN OF FORT NELSON
THE DEVELOPMENT PROCEDURE
BYLAW NO. 576, 1999

CONSOLIDATED VERSION
INCLUDES

Bylaw No. 579, 1999 - Time Limit for Reapplication

Bylaw No. 604, 2001 - Composition of Fees

FOR EASE OF PUBLIC USE

October, 1999

A bylaw of the Town of Fort Nelson (hereinafter called "the Town") to establish procedures to amend an Official Community Plan or a Zoning Bylaw or to issue a permit pursuant to Section 895 of the Municipal Act.

WHEREAS under Section 895 of the Municipal Act, the Council of the Town may, by bylaw, enact the following bylaw called "The Town of Fort Nelson Development Procedures Bylaw;

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

WHEREAS the Council for the Town under Section 895 of the Municipal Act, by Bylaw shall establish procedures to amend a plan, or bylaw, or issue a permit;

WHEREAS the Council of the Town; has designated areas in the Official Community Plan and the Zoning Bylaw within which a development permit; a development variance permit; and a temporary commercial and industrial use permit are required;

AND WHEREAS the Council for the Town pursuant to Section 931 of the Municipal Act may impose fees;

NOW THEREFORE, the Council for the Town of Fort Nelson in open meeting assembled hereby enacts as follows:

1. CITATION

- (1) This bylaw may be cited as "The Town of Fort Nelson Development Procedures Bylaw No. 576, 1999".

2. SCOPE

- (1) This bylaw applies to an amendment to an Official Community Plan; and a Zoning Bylaw;
- (2) This bylaw applies to the issuance of a development permit; and a development variance permit; and a temporary commercial or industrial use permit.

3. APPLICATION

- (1) An application shall be submitted in the prescribed form to the Town Clerk by the registered owner of the land, or by a person authorized to do so in writing by the owner, and shall be accompanied by a written description of the specific proposal and the reasons for the requested Official Community Plan amendment or the Zoning Bylaw text amendment; and, where the application is for an amendment to a Zoning Bylaw plan section or the issuance of a permit, the application shall be accompanied by detailed site, building, landscaping, plans, as necessary, which illustrate the scope of the project.

4. COMPOSITION OF FEES
(B.604)

- (1) A non-refundable application fee shall be paid when an application is made, as outlined in Schedule "A" of this bylaw.

5. DEVELOPMENT CONDUCTED WITHOUT A PERMIT

- (1) If any development for which a permit is required by this Bylaw is commenced without a permit issued by the Council, the permit applicant for the proposed development shall pay double the prescribed fee as set out in Schedule "A" of this Bylaw.

6. PROCESS

- (1) Every application shall be processed by the Town Clerk and the Development Control Manager, who shall present a detailed report to the Council for its consideration.

7. OFFICIAL COMMUNITY PLAN AND ZONING BYLAW

- (1) The Council for the Town shall, following receipt of the report pursuant to Section 7 in respect of an application to amend the Zoning Bylaw or an Official Community Plan, proceed with an amendment bylaw or reject the application.

8. PERMITS

- (1) After receipt of the report pursuant to Section 7, the Council for the Town shall consider an application for a development permit and at Council's discretion, may hold or not hold a further public meeting and then either:
 - (a) issue the permit; or
 - (b) refuse to issue the permit.

9. FORM OF PERMITS

- (1) Development Permits shall be issued in the form of the permit attached hereto as Schedule "B";
- (2) Development Variance Permits shall be issued in the form of the permit attached hereto as Schedule "C";
- (3) Temporary Commercial or Industrial Use Permits shall be issued in the form of the permit attached hereto as Schedule "D".

10. REFUSAL

- (1) Where an application for a bylaw amendment or a permit has been refused by Council, the Municipal Clerk shall notify the applicant in writing within 15 days of the date of refusal by Council.

(B.579)
- (2) A time limit of six (6) months is established for reapplication of all permit and bylaw amendment applications referred to in this bylaw.

(B.579)
- (3) All time limits may be varied in relation to a specific reapplication by an affirmative vote of at least 2/3 of the local government members eligible to vote on the reapplication.

11. REPEALS

- (1) The following Bylaws and Amendment Bylaws are hereby repealed in their entirety: The Rezoning Fee Imposition Bylaw No. 93, 1976; The Rezoning Fee Increase Bylaw No. 117, 1978; and the Subdivision Fee Imposition Bylaw No. 178, 1979.

12. **EFFECTIVE DATE**

- (1) This bylaw shall take effect upon its reconsideration, final passage and adoption.

READ a first time this 13th day of September, 1999.

READ a second time this 13th day of September, 1999.

READ a third time this 13th day of September, 1999.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 12th day of October, 1999.

CERTIFIED a true & correct copy of "The Town of Fort Nelson Development Procedures Bylaw No. 576, 1999" as adopted by the Council of the Town on the 12th day of October, 1999.

Debbie Walker
Town Clerk

THE CORPORATE SEAL of the Town was hereto affixed in the presence of:

Harry Clarke
Mayor

Debbie Walker
Town Clerk

(B.604)

Schedule "A"
 Application Fees

CATEGORY	Application Fee	Additional Costs
(a) Application for an amendment to an Official Community Plan, or an amendment to the Zoning Bylaw	\$100.00	All advertising costs
(b) Application for a temporary commercial or industrial permit	\$100.00	All advertising costs
(c) Development Variance Permit applications for all buildings and accessory structures	\$100.00	All advertising costs
(d) Development application for signage, for each sign	\$100.00	N/A
(e) Development Permits, including strata titling of currently occupies buildings (commercial & industrial projects)	\$100.00	All advertising costs

Schedule "B"
Development Permit

DATE: _____
DEVELOPMENT PERMIT NO. _____

This Development Permit is hereby issued by the Council for the Town of Fort Nelson to:

_____ (Permittee)

for the development of: _____

(Describe Proposal)

Subject to the following conditions:

1. This Development Permit is issued subject to compliance with all of the bylaws of the Town of Fort Nelson applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to, and only to, those lands within the Town described below, and to any and all buildings, structures and other development thereon:

Legal Description: _____

and Municipal _____
Address _____

- a) Attached is current, date stamped state of Title Certificate
- b) Attached is Letter of Consent from the Owner (Applies only if the applicant is not the owner)
- c) Attached is applicable application fee

3. Bylaw(s) _____ Is/are hereby varied or supplemented by:

4. The sequence and timing of construction shall be as follows:

5. The following conditions are hereby imposed as per Section 920 of the Municipal Act

6. The following requirements are hereby imposed under Section 920 of the Municipal Act.

7. As a condition of the issuance of this Permit, and as per Section 925 of the Municipal Act, the Town is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit.

Security Deposit Amount \$ _____

Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Town may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Permittee.

There is filed accordingly:

1. An Irrevocable Letter of Credit in the amount of \$ _____ ; or
2. Cash in the amount of \$ _____.

8. As per Section 925 of the Municipal Act, if the Town considers that:

- a) A condition in a permit respecting landscaping and including paving has not been satisfied;
- b) An unsafe condition has resulted as a consequence of contravention of a condition in the permit; or
- c) Damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit;

The Town will:

- a) Undertake, at the expense of the holder of the permit, the works, construction or other activities required to satisfy the landscaping condition, correct the unsafe condition or correct the damage to the environment; and
- b) Apply the security in payment of the cost of the works, construction or other activities, with any excess to be returned to the holder of the permit.

9. The land described within shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part hereof.
10. This permit is not a Building Permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL THIS _____ DAY OF _____,
1999/200____.

APPROVED BY THE MINISTRY OF TRANSPORTATION AND HIGHWAYS ON THE _____ DAY OF ____
_____, 1999_200____. (If Applicable)

ISSUED THIS _____ DAY OF _____, 1999/200____.

Approving Officer

Schedule "C"
Development Variance Permit

DATE: _____
DEVELOPMENT VARIANCE PERMIT NO. _____

This Development Variance Permit is hereby issued by the Council for the Town of Fort Nelson to:

_____ (Permittee)

for the development of: _____

(Describe Proposal)

Subject to the following conditions:

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Town of Fort Nelson applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to, and only to, those lands within the Town described below, and to any and all buildings, structures and other development thereon:

Legal Description: _____
and Municipal _____
Address _____

- a) Attached is current, date stamped state of Title Certificate
- b) Attached is Letter of Consent from the Owner (Applies only if the applicant is not the owner)
- c) Attached is applicable application fee

Subject to the following conditions:

3. Bylaw(s) _____ Is/are hereby varied or supplemented as follows:

4. The sequence and timing of construction shall be as follows:

5. The Development Variance(s) requested vary the provisions of the following Town Bylaws:

Bylaw	Variance Requested	Applicable Sections
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. Detailed Description of Variance:
(Two site plans attached. Site plans should illustrate legal information, setbacks, parking, access, outer perimeter of buildings and structures, topographic features, water courses, elevations, cross sections, relevant detail drawings.)

7. As per Section 922 of the Municipal Act, a development variance permit shall not vary;

- a) the use or density of land from that specified in the bylaw; or
- b) a floodplain specification

8. As a condition of the issuance of this Permit, and as per Section 925 of the Municipal Act, the Town is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit.

Security Deposit Amount \$ _____

Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Town may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Permittee.

There is filed accordingly:

- 1. An Irrevocable Letter of Credit in the amount of \$ _____ ; or
- 2. Cash in the amount of \$ _____ .

9. As per Section 925 of the Municipal Act, if the Town considers that:

- a) A condition in a permit respecting landscaping and including paving has not been satisfied;
- b) An unsafe condition has resulted as a consequence of contravention of a condition in the permit; or
- c) Damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit;

The Town will:

- a) Undertake, at the expense of the holder of the permit, the works, construction or other activities required to satisfy the landscaping and or paving condition, correct the unsafe condition or correct the damage to the environment; and
 - b) Apply the security in payment of the cost of the works, construction or other activities, with any excess to be returned to the holder of the permit.
10. The land described within shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part hereof.
11. This permit is not a Building Permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL THIS _____ DAY OF _____,
1999/200____.

APPROVED BY THE MINISTRY OF TRANSPORTATION AND HIGHWAYS ON THE _____ DAY OF ____
_____, 1999/200____. (If Applicable)

ISSUED THIS _____ DAY OF _____, 1999/200____.

Approving Officer

Temporary Use Permit

DATE: _____
TEMPORARY USE PERMIT NO. _____

This Temporary Use Permit is hereby issued by the Council for the Town of Fort Nelson to:

_____ (Permittee)

for the development of: _____

(Describe Proposal)

Subject to the following conditions:

1. This Temporary Permit is issued subject to compliance with all of the bylaws of the Town of Fort Nelson applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Temporary Permit applies to, and only to, those lands within the Town described below, and to any and all buildings, structures and other development thereon:

Legal Description:
and Municipal
Address

- a) Attached is current, date stamped state of Title Certificate
- b) Attached is Letter of Consent from the Owner (applies only if the applicant is not the owner)
- c) Attached is applicable application fee

Subject to the following conditions:

3. Bylaw(s) _____ Is/are hereby varied or supplemented as follows:

4. The sequence and timing of construction shall be as follows:

5. Detailed Description of Temporary Permit:
(Two site plans attached. Site plans should illustrate legal information, setbacks, parking, access, outer perimeter of buildings and structures, topographic features, water courses, elevations, cross sections, relevant detail drawings.)
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6. This Temporary Use Permit is issued subject to the Permittee providing the following services which are applicable to temporary uses:

Approved Water Supply _____
Approved Sewage Supply _____
Solid/Liquid Waste Disposal _____
Approved Access & Parking _____

7. As a condition of the issuance of this Permit, and as per Section 925 of the Municipal Act, the Town is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit.

Security Deposit Amount \$ _____

Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Town may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Permittee.

There is filed accordingly:

1. An Irrevocable Letter of Credit in the amount of \$ _____ ; or
2. Cash in the amount of \$ _____.

8. As per Section 925 of the Municipal Act, if the Town considers that:

- a) A condition in a permit respecting landscaping and including paving has not been satisfied;
- b) An unsafe condition has resulted as a consequence of contravention of a condition in the permit; or
- c) Damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit;

The Town will:

- a) Undertake, at the expense of the holder of the permit, the works, construction or other activities required to satisfy the landscaping and or paving condition, correct the unsafe condition or correct the damage to the environment; and
 - b) Apply the security in payment of the cost of the works, construction or other activities, with any excess to be returned to the holder of the permit.
9. The land described within shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part hereof.
 10. This permit is not a Building Permit.
 11. If the Permittee does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.
 12. When a Permittee fails to comply with any of the conditions of this Temporary Use Permit, the Town may enter on the land and carry out the demolition, removal, or restoration at the expense of the owner.
 13. This Temporary Use Permit shall expire on _____. The applicant may apply to the Temporary Use Permit renewed. A Temporary Use Permit may only be renewed once.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL THIS _____ DAY OF _____, 1999/200_____.

APPROVED BY THE MINISTRY OF TRANSPORTATION AND HIGHWAYS ON THE _____ DAY OF _____, 1999/200_____. (If Applicable)

ISSUED THIS _____ DAY OF _____, 1999/200_____.

Approving Officer