

# DISTRICT OF SEHELDT

## Bylaw No. 513, 2012

### A bylaw to establish Development Approval Procedures

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**WHEREAS**, pursuant to Section 892 of the *Local Government Act*, council may make requirements for the posting of development signs on properties that are subject to a proposed bylaw amendment;

**AND WHEREAS**, pursuant to Section 895 of the *Local Government Act*, council shall by bylaw establish procedures to amend an official community plan or zoning bylaw or issue a permit under part 26 of the *Local Government Act*;

**AND WHEREAS**, pursuant to Section 925 of the *Local Government Act*, council may require that an applicant for a permit under Part 26 of the *Local Government Act* provide security in an amount stated in the permit by an irrevocable letter of credit or the deposit of securities in a form satisfactory to the local government;

**AND WHEREAS** Council of the District of Sechelt wishes to enact a bylaw governing development procedures in the District of Sechelt, including amendments to the Official Community Plan, Zoning Bylaw, or issuance of permits under Part 26 of the *Local Government Act*;

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

#### **1. Title**

This bylaw may be cited for all purposes as the “District of Sechelt Development Approval Procedures Bylaw No. 513, 2012.”

#### **2. Provisions**

##### **PART 1 - PURPOSE**

1. This bylaw shall apply to the following:
  1. An application, by a party other than the District, to:
    - (a) amend the Official Community Plan;
    - (b) amend a Zoning Bylaw.
  2. An application, by a party other than the District, for a:
    - (a) Development Permit;
    - (b) Development Variance Permit;
    - (c) Temporary Use Permit;

- (d) Natural Hazard and Environmental Use Permit;
  - (e) Building Permit;
  - (f) Subdivision Agreement;
  - (g) Latecomer Agreement.
3. An application to the Agricultural Land Commission to:
- (a) include land in the Agricultural Land Reserve (ALR);
  - (b) exclude land in the ALR;
  - (c) subdivide land within the ALR;
  - (d) use land in the ALR for non-farm purposes; or
  - (e) place fill on, or remove soil from, land in the ALR for non-farm purposes.
4. A Flood Control exemption under s. 910 (5) of the Local Government Act.

## **PART 2 - DEFINITIONS AND INTREPRETATION**

2. In this Bylaw, unless the context requires otherwise:

***Agricultural Land Commission Act*** means the Agricultural Land Commission Act, SBC 2002, c. 36, as amended or superseded from time to time.

***Application*** means an application for an Official Community Plan amendment, Zoning Bylaw amendment, Development Permit, Natural Hazard and Environmental Protection Development Permit, Development Variance Permit, Temporary Use Permit, Flood Control Exemptions, Agricultural Land Commission Act, Subdivision, Building Permit or Latecomer Agreement.

***Application and Copying Fees Bylaw*** means the District of Sechelt Application and Copying Fees Bylaw No. 333, 1998 as amended or superseded from time to time.

***Application Form*** means a form provided by the District for purposes of applying for an amendment to the Official Community Plan or Zoning Bylaw, or an application for a Development Permit, Natural Hazard and Environmental Protection Development Permit, Development Variance Permit, Temporary Use Permit, Flood Control Exemption, Subdivision, and Building Permit.

***Approving Officer*** means the appropriate person appointed pursuant to the *Land Title Act*.

***Chief Financial Officer*** means the Financial Officer appointed by Council under the *Community Charter*.

<b><i>Community Charter</i></b>	means the <i>Community Charter</i> , SBC 2003, c. 26, as amended or superseded from time to time
<b>Council</b>	means the governing and executive body of the District of Sechelt as provided under the <i>Community Charter</i> .
<b>Director of Development Services</b>	means the Director of Development Services appointed by Council from time to time, or designate.
<b>District</b>	means the District of Sechelt.
<b><i>Land Title Act</i></b>	means the <i>Land Title Act</i> , RSBC 1996, c. 250, as amended or superseded from time to time.
<b><i>Local Government Act</i></b>	means the <i>Local Government Act</i> , RSBC 1996, c. 323, as amended or superseded from time to time.
<b>Official Community Plan</b>	means the District of Sechelt Official Community Plan Bylaw No. 492, 2010, as amended or superseded from time to time.
<b>Sign Bylaw</b>	means the District of Sechelt Sign Bylaw No. 456, 2006 as amended or superseded from time to time.
<b><i>Strata Property Act</i></b>	means the <i>Strata Property Act</i> , SBC 1998, c. 43, as amended or superseded from time to time.
<b>Subdivision and Development Control Bylaw</b>	means the District of Sechelt Subdivision and Development Control Bylaw No. 430, 2003 as amended or superseded from time to time.
<b><i>Transportation Act</i></b>	means the <i>Transportation Act</i> , SBC. 2004, c. 44, as amended or superseded from time to time.
<b>Zoning Bylaw</b>	means the District of Sechelt Zoning Bylaw No. 25, 1987 as amended or superseded from time to time.

## **PART 3 - GENERAL PROVISIONS**

### **3.1 Application**

An application shall be:

- 3.1.1 made through a fully completed application form signed by the applicant and the registered owners of the lot or lots affected,
- 3.1.2 accompanied by the appropriate application fee as provided in the then current Application and Copying Fees Bylaw, and
- 3.1.3 accompanied by such other information as is required by the District to evaluate the application.
- 3.1.4 Processed through the Development Services Department.

### **3.2 Legal Costs**

An applicant shall pay all legal costs associated with the application.

### **3.3 Referral**

3.3.1 The Development Services Department shall co-ordinate all related information required from other Departments to provide a complete and unified response to all enquiries and applications pursuant to this bylaw.

3.3.2 Notwithstanding the occasional exception, the Development Services Department will be the only District representative to respond to and deal with the applicant for a permit pursuant to this bylaw.

### **3.4 Delegation**

3.4.1 Pursuant to s. 154(1)(b) of the *Community Charter*, Council delegates to the Director of Development Services the duty of Council under s. 879 of the *Local Government Act* to consider and provide, if necessary, opportunities for early and ongoing consulting with persons, organizations and authorities;

3.4.2 Council delegates to the Director of Development Services the powers of Council under s. 920 of the *Local Government Act* to issue and amend development permits in respect of development permit areas established by the Official Community Plan, including the powers of Council to require that the applicant provide security for the purposes of s. 925 of the *Local Government Act*.

### **3.5 Ministry of Transportation Approval**

Where a permit application requires the approval of the Ministry of Transportation and Infrastructure under s. 924 of the *Local Government Act*, Council will consider approval of the permit after receiving Ministry approval.

### **3.6 Security**

3.6.1 Prior to issuance of a development permit, development variance permit, or temporary use permit, the applicant may be required to deposit a security in a form acceptable to the Chief Financial Officer and the Director of Development Services to ensure satisfactory completion of all conditions of the permit.

3.6.2 The amount of the security must not be less than 2.5% of the construction cost of any buildings, as estimated by the Building Inspector under the Building Bylaw. A landscape bond must equal the value of the landscaping estimate. This security does not relate to any securities required under the Building Bylaw, Subdivision and Development Control Bylaw or other bylaws.

### **3.7 Notice in Land Title Office**

A notice of the authorized development variance permit or development permit or amendment thereto shall be filed in the Land Title Office as required by the *Local Government Act*.

**3.8 Council Consideration**

Temporary use or development variance permit applications considered by Council may be authorized, authorized as amended, declined, or deferred by resolution.

**PART 4 - OFFICIAL COMMUNITY PLAN AND ZONING BYLAW AMENDMENT PROCEDURES**

**4.1 Review**

4.1.1 Preliminary development reviews other than specific development applications shall be made in writing and kept on file for future reference

4.1.2 Major development proposals may require a joint meeting with the developer and the appropriate staff from the Development Services Department and affected agencies

**4.2 Council Report**

Where an application to amend the Official Community Plan or Zoning Bylaw has been made in conformance with this bylaw, the Director of Development Services or designate shall prepare a report to Council advising on the merits of the application.

**4.3 Council Consideration**

Council may, upon receiving the report of the Director of Development Services:

- 4.3.1 give first reading to a Bylaw Amendment, or
- 4.3.2 authorize drafting of a Bylaw Amendment, or
- 4.3.3 decline the application, or
- 4.3.4 defer the application.

**4.4 Public Hearing**

4.4.1 Where Council gives first reading to a Bylaw Amendment pursuant to an application, it will refer the bylaw to a public hearing unless the public hearing has been waived in accordance with s. 890(4) of the *Local Government Act*.

4.4.2 Required Notification

4.4.2.1 Not less than 10 days prior to the date of the public hearing notice of the hearing shall be mailed or otherwise delivered to:

4.4.2.1.1 the owners and any tenants in occupation of all lots which are the subject of the bylaw alteration;

4.4.2.1.2 the owners and any tenants in occupation of all lots within 50m from the land(s) that is the subject of the bylaw alteration.

4.4.2.2 The above notification is not required if ten or more parcels owned by ten or more persons are the subject of the bylaw alteration.

4.4.2.3 The Corporate Officer will provide newspaper notices in accordance with the *Local Government Act*.

4.4.2.4 An applicant must advertise and hold a public information meeting

before the statutory public hearing.

4.4.3 Additional Notification

4.4.3.1 The Corporate Officer, in consultation with the Director of Development Services, will prepare and distribute the agenda for the public hearing.

4.4.3.2 The Director of Development Services, may arrange for the posting of signs on the properties that are the subject of the Bylaw Amendment. Signs will not be posted in cases where the bylaw alteration impacts ten or more parcels owned by ten or more persons.

4.4.3.3 In instances where there is a request that the notification process be varied to provide additional notification a resolution of Council is required.

**4.5 Council Consideration after Public Hearing**

4.5.1 After the public hearing has been closed, Council will consider the Bylaw Amendment, and may:

4.5.1.1 give second or third reading, or both, to the Bylaw Amendment, or

4.5.1.2 give second, third and final readings to the Bylaw Amendment, or

4.5.1.3 amend the bylaw, and

4.5.1.3.1 give second or third reading, or both, or

4.5.1.3.2 give second, third and final readings,

4.5.1.4 decline to give any further reading to the Bylaw Amendment, therefore declining the application, or

4.5.1.5 defer the Bylaw Amendment.

4.5.2 After Council has given first and second reading to a Bylaw Amendment, the Director of Development Services, or designate, will:

4.5.2.1 refer the Bylaw Amendment to the Ministry of Transportation where approval is required under s. 924 of the *Local Government Act*, and to persons, organizations and authorities deemed affected pursuant to s. 879 of the *Local Government Act*; and

4.5.2.2 advise the applicant as to any steps to be taken prior to further Council consideration of the Bylaw Amendment, if necessary.

4.5.3 Council may consider final adoption of a Bylaw Amendment:

4.5.3.1 after three readings have been given; and

4.5.3.2 where a development permit is required, upon receipt of a report from the Director of Development Services stating that a development permit has been prepared and is ready for consideration.

**4.6 Bylaw Lapse and Time Extension**

4.6.1 Every Bylaw Amendment which has not been given final adoption by Council within one year after the date it was given third reading lapses, and will be of no force and effect, and an applicant who wishes to proceed with their

application must initiate a new application.

- 4.6.2 Notwithstanding s. 3.8.1. and s. 14.1, upon written request by the applicant, Council may extend the one year period between third reading and final adoption, up to one additional year to enable the applicant to complete the requirements for final adoption. A maximum of two, one year time extensions may be granted by Council.

#### **4.7 Time Limit on Reapplication**

Where an application to amend the Zoning Bylaw or Official Community Plan has been declined by Council, no application for the same Bylaw Amendment shall be submitted to the Director of Development Services for a period of six months from the date it was declined.

### **PART 5 - DEVELOPMENT PERMIT PROCEDURES**

#### **5.1 Authority**

- 5.1.1 Council may, by resolution, issue or authorize the Director of Development Services to issue on Council's behalf, development permits as authorized by the *Local Government Act*.
- 5.1.2 Part Five of this bylaw applies to all development permits except Natural Hazard & Environmental Protection development permits as authorized by the *Local Government Act* and the Official Community Plan.

#### **5.2 Review**

- 5.2.1 Referral  
An application for a development permit shall be referred to applicable external agencies and organizations for review and comment.
- 5.2.2 Development Permit Report  
Except where the consideration of development permits has been delegated pursuant to s. 3.4.2 of this bylaw, the Director of Development Services shall prepare a report for Council advising on the Application with the following included:
- 5.2.2.1 a statement of whether the proposed development permit complies with the Official Community Plan,
- 5.2.2.2 a statement, if applicable, of any provisions in the Zoning Bylaw or other bylaw that are to be varied or supplemented and how they are to be varied or supplemented, and
- 5.2.2.3 a copy of the proposed development permit.

#### **5.3 Council Consideration**

Council may by resolution issue, decline, or defer the Development Permit.

#### **5.4 Delegation of Council Powers**

- 5.4.1 Conditions of Delegation  
As a restriction on s. 3.4.2, the Director of Development Services, may only

issue development permits for building improvements with a total construction value of \$500,000 or less.

5.4.2 Reassignment of Development Permit

The Director of Development Services may assign a development permit to a new owner when a transfer of title occurs on a property for which a development permit has already been issued either by Council or the Director of Development Services.

5.4.3 Development Permit Amendments

As a restriction of s. 3.4.2, the Director of Development Services may only amend development permits when:

- 5.4.3.1 density, lot coverage, siting, scale, spacing or configurations of buildings are not altered by more than ten percent by the amendment; and
- 5.4.3.2 open space and amenities are maintained to the same extent as before the amendment.

5.4.4 Council Reconsideration

5.4.4.1 The owner of land whose development permit application is subject to this section may, within ten business days of being notified in writing of the Director of Development Services' decision on their Application, request Council to reconsider the Director of Development Services' decision by giving notice in writing to the Corporate Officer setting out the grounds on which the owner considers the decision to be inappropriate, including the specific decision and development permit conditions being challenged, and the amount of security.

5.4.4.2 The Corporate Officer will place each request for reconsideration on the agenda of a meeting of Council to be held as soon as reasonably possible but not more than ten weeks from the date on which the request for reconsideration was delivered.

The Corporate Officer will notify the applicant of the date of the meeting at which reconsideration will occur.

The Corporate Officer will notify the Director of Development Services of each request for reconsideration and the Director of Development Services will, prior to the date of the meeting at which the reconsideration will occur, provide a written report to Council setting out, at the level of detail the Director of Development Services considers appropriate, the rationale for the Director of Development Services' decision.

5.4.4.3 Council will either confirm the decision of the Director of Development Services, or substitute its own decision, including development permit conditions and amounts of security.

**5.5 Security**



In imposing the security requirements, the Director of Development Services may require security to be maintained for as long as:

- 5.5.1 a condition respecting landscaping has not been satisfied,
- 5.5.2 an unsafe condition has resulted as a consequence of a contravention of a condition in the permit, or
- 5.5.3 damage to the natural environment has resulted as a consequence of a contravention of a condition of the permit.

## **PART 6 - NATURAL HAZARDS AND ENVIRONMENTAL PROTECTION DEVELOPMENT PERMIT PROCEDURES**

### **6.1 Authority**

Council may, by resolution, issue, or authorize the Director of Development Services to issue on Council's behalf, a natural hazard & environmental protection development permit, as authorized by the *Local Government Act* and Part 8 of the Official Community Plan.

### **6.2 Preliminary Application**

An application for a natural hazard & environmental protection development permit shall:

- 6.2.1 include a full written description of the proposed alteration of land or development, and
- 6.2.2 provide an accurate site plan showing:
  - 6.2.2.1 legal lot lines, the watercourse, and its top of bank,
  - 6.2.2.2 the extent of area in which it is proposed to alter land, and
  - 6.2.2.3 the siting of all existing and proposed buildings, structures, works, impervious surfaces, or proposed additions to any of these.

### **6.3 Preliminary Review**

6.3.1 The preliminary application will be reviewed to determine:

- 6.3.1.1 the nature and scope of the activity proposed under the application;
- 6.3.1.2 the objectives and guidelines of the Development Permit Area;
- 6.3.1.3 the availability of already existing relevant information;
- 6.3.1.4 what specific items of information will be required to evaluate the application; and
- 6.3.1.5 whether the proposed activity is minor in scope and will have no significant impact in terms of the objectives and guidelines of the Development Permit Area.

### **6.4 Application and Review**

Development approval information which the District may require in order to evaluate a Development Permit application, as authorized by s. 920 and s. 920.1 of the *Local Government Act*, Part 8 of the Official Community Plan and s. 5.3.1(b) of this bylaw may include:

- 6.4.1 a plan prepared by a British Columbia Land Surveyor and showing:

- 6.4.1.1 the top of bank and natural boundary of any streams, relative to legal boundaries; and
- 6.4.1.2 sufficient information as to slope and elevations to determine compliance with the District of Sechelt Official Community Plan No. 492, 2010 as amended;
- 6.4.2 assessment by a registered professional biologist, including:
  - 6.4.2.1 identification of environmentally sensitive areas and features;
  - 6.4.2.2 analysis of the potential impact of the proposed land alteration or development activity; and
  - 6.4.2.3 recommendations to eliminate or mitigate such impacts;
- 6.4.3 assessment by a Professional Engineer with expertise in geotechnical matters, including:
  - 6.4.3.1 identification of any potential hazard of land slippage, bank erosion, flooding or drainage blockage; and
  - 6.4.3.2 recommendations for measures to eliminate or mitigate any such hazard;
- 6.4.4 a plan by a Professional Engineer for all proposed drainage collection, retention, detention and discharge works, as well as:
  - 6.4.4.1 calculations showing the effect of these on pre-development run-off rates in receiving watercourses; and
  - 6.4.4.2 a plan for the control of drainage, erosion and siltation throughout the period of construction;
- 6.4.5 assessment by a certified arborist, including:
  - 6.4.5.1 evaluation of existing trees and undergrowth;
  - 6.4.5.2 analysis of the potential impacts of the application on existing trees and undergrowth;
  - 6.4.5.3 recommendations to avoid or mitigate such impacts;
  - 6.4.5.4 identification, where appropriate, of opportunities to enhance tree growth and associated undergrowth;
  - 6.4.5.5 where trees are proposed to be removed, a tree replacement plan consistent with the District of Sechelt Environmental Management and Protection Bylaw No. 484, 2009 ; and,
- 6.4.6 such other information as the Director of Development Services finds reasonably necessary considering the circumstance of the proposal and the objectives and guidelines for natural Hazards and Environmental Protection Permit Area as established in the District of Sechelt Official Community Plan.

6.5 Delegation of Council Powers

6.5.1 Conditions of Delegation

As a restriction on s. 3.4.2, the Director of Development Services, may only issue development permits for watercourse development permits.

6.5.2 Council Reconsideration

Council reconsideration will be completed in accordance with s. 3.8 of this bylaw.

**PART 7 - DEVELOPMENT VARIANCE PERMIT PROCEDURES**

**7.1 Authority**

- 7.1.1 Council may, by resolution, issue development variance permits, as authorized by the *Local Government Act*. For the purpose of this bylaw, development variance permits may be authorized for the Zoning Bylaw, Subdivision and Development Servicing Bylaw, and Sign Bylaw.
- 7.1.2 An owner of land may apply for a development variance permit for the development of any land within the District, but the permitted uses and the density of land use permitted under the zone designation of the Zoning Bylaw may not be varied by Council by development variance permit.

**7.2 Development Variance Permit Report**

The Director of Development Services shall prepare a report for Council advising on the application with the following:

- 7.2.1 the provisions of the Zoning Bylaw, Subdivision and Development Servicing Bylaw or Sign Bylaw to be varied or supplemented and how they are to be varied or supplemented; and
- 7.2.2 a statement of any potential impacts the proposed variance may have on adjacent properties or the surrounding neighbourhood and how those impacts will be mitigated; and
- 7.2.3 a copy of the proposed development variance permit.

**7.3 Notification**

Not less than fourteen days prior to the date of the Council Meeting, notice of Council's consideration of the development variance permit shall be mailed or otherwise delivered to:

- 7.3.1 the owners and any tenants in occupation of all lots which are the subject of the application; and
- 7.3.2 the owners and any tenants in occupation of all lots within 50 metres from the land(s) that is the subject of the application.

**7.4. Security**

- 7.4.1 Security in a form acceptable to the Chief Financial Officer and the Director of Development Services may be required to ensure satisfactory completion of all conditions of the permit.
- 7.4.2 In imposing the security requirements the Director of Development Services may require security to be maintained for as long as there is a reasonable possibility of an unsafe condition resulting as a consequence of a contravention of a condition in the permit, or damage to the natural environment has resulted as a consequence of a contravention of a condition in the permit.

**PART 8 - TEMPORARY USE PERMIT PROCEDURES**

**8.1 Authority**

8.1.1 As authorized by the *Local Government Act*, an Official Community Plan or Zoning Bylaw may designate areas where temporary uses may be allowed and may specify conditions.

8.1.2 Council may, by resolution, issue a temporary use permit within an area designated in the Official Community Plan or Zoning Bylaw.

## **8.2 Review**

### **Temporary Use Permit Report**

The Director of Development Services shall prepare a report for Council advising on the merits of the application with the following included:

8.2.1 a description of the proposed temporary use;

8.2.2 a statement if the proposed temporary use complies with the Official Community Plan; and

8.2.3 a copy of the proposed permit including:

8.2.3.1 the date the permit expires; and

8.2.3.2 if applicable, a letter of undertaking, attached to and forming part of the permit, to demolish or remove a building or structure or restore land described in the permit to a condition, and by a date, specified in the permit; and

8.2.3.3 applicable terms and conditions.

## **8.3 Notification**

The Corporate Officer shall publish a notice in a newspaper, at least three and not more than fourteen days prior to Council consideration of a temporary commercial or industrial use permit, that states:

8.3.1 the purpose of the proposed permit,

8.3.2 the land or lands that are the subject of the proposed permit, and

8.3.3 the place where, and the times and dates when, copies of the proposed permit may be inspected, and the date, time and place when the resolution will be considered.

## **8.4 Security**

In imposing the security requirements, the Director of Development Services, may require security to be maintained for as long as a condition respecting landscaping has not been satisfied, an unsafe condition resulting as a consequence of a contravention of a condition in the permit, or damage to the natural environment has resulted as a consequence of a contravention of a condition of the permit.

## **PART 9 - FLOOD CONTROL EXEMPTION PROCEDURES**

### **9.1 Authority**

9.1.1 Council may, by resolution, enter into a flood control exemption with a property owner, as authorized by s. 910 of the *Local Government Act*.

9.1.2 A flood control exemption prevails over a Zoning Bylaw, Development Permit or Development Variance Permit, in the event of any conflict.

**9.2 Application**

An application for a flood control exemption shall include information from a geotechnical engineer indicating that the land may be used safely for the use intended in spite of the flood hazard.

**9.3 Review**

Staff must consider the provincial guidelines in reviewing and commenting on an application.

**PART 10 - AGRICULTURAL LAND COMMISSION ACT APPLICATION PROCEDURES**

**10.1 Authority**

An Agricultural Land Reserve application for resolution under s. 30(4) of the *Agricultural Land Commission Act* may be reviewed by the District and must be forwarded to the Agricultural Land Commission, as required under the *Agricultural Land Commission Act*.

**10.2 Application**

An Agricultural Land Reserve application shall include information as required under the *Agricultural Land Commission Act*, to evaluate the Agricultural Land Reserve application.

**10.3 Review**

10.3.1 An Agricultural Land Reserve application may be referred to District staff for review and comment.

10.3.2 A public information meeting may be held by the applicant with respect to the Agricultural Land Reserve application.

**10.4 Council Resolution**

Council may, by resolution, provide recommendations to the Agricultural Land Commission on the Application.

**10.5 Application Forwarded to Agricultural Land Commission**

Within 60 days after receipt of the Agricultural Land Reserve application, or within 90 days, if a public information meeting is held, the Agricultural Land Reserve application for resolution must be forwarded to the Agricultural Land Commission.

**PART 11 - SUBDIVISION APPLICATION PROCEDURES**

**11.1** Subdivision applications will be administered pursuant to the *Land Title Act*, *Strata Property Act* and *Local Government Act*.

**11.2** The application shall include all reports and information required to properly evaluate

the subdivision application.

- 11.3** The Approving Officer shall process the application referrals to the Parks and Public Works Department, utilities and agencies having jurisdiction authority.
- 11.4** The Approving Officer shall coordinate all required information and recommendations from District officials and outside agencies.
- 11.5** The Approving Officer will prepare a preliminary layout review (PLR) for the applicant outlining the terms and conditions.
- 11.6** The Approving Officer shall approve a subdivision if it satisfies the PLR conditions, all appropriate bylaws of the District of Sechelt, the requirements of the *Land Title Act*, *Strata Property Act* and the *Local Government Act*.

## **PART 12 - BUILDING PERMIT APPLICATION PROCEDURES**

- 12.1** All comments, revisions and required fees shall be forwarded to the file manager as assigned by the Chief Building Official to be included as part of the issuance of the building permit.

## **PART 13 - LATECOMER AGREEMENT PROCEDURES**

- 13.1** Where it is determined that excess or extended servicing capacity be provided and Council has determined that latecomers fees are applicable, the following procedure shall be followed:
  - 13.1.1 Preparation of excess benefiting properties and assignment of values to be completed by the Development Services Department;
  - 13.1.2 Director of Development Services will draft a staff report and present to Council for their review.
  - 13.1.3 Approval of the Latecomer Agreement by Council resolution is required prior to development proceeding;
  - 13.1.4 Once Council has authorized the Latecomer Agreement to be signed, the Corporate Officer will advise the developer and all affected property owners, and the Finance Department will enter latecomer information on the Property Tax Program;
  - 13.1.5 At the time of subsequent development, the Development Services Department will advise the owner/applicant of the latecomer fees and ensure that the fees are collected prior to the issuance of a building permit or a final approval of a subdivision;
  - 13.1.6 The Chief Financial Officer shall maintain the necessary financial accounts and records for latecomer fees collected, calculate interest, and disperse collected latecomer funds including interest as per the Latecomer Agreement.

**PART 14 - INACTIVE APPLICATIONS**

**14.1** Where no submission of outstanding or required application materials has been made by the applicant on an application file for any six month period, or such longer time, as the District may determine, the application shall be considered inactive and closed. The applicant shall be notified in writing and if no response is received within thirty days, the application file will be closed.

**PART 15 - OTHER PROVISIONS**

**15.1 Irregularity**

The failure of Council or a Committee to observe the provisions of this Bylaw does not affect the validity of resolutions passed or bylaws enacted by Council.

**15.2 Severability**

If any part, section, subsection, clause or sub-clause of this Bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Bylaw.

**PART 16 - REPEAL**

**16.1** “District of Sechelt Development Procedures Bylaw No. 29, 1987” is hereby repealed in its entirety.

READ A FIRST TIME THIS	3 <sup>rd</sup>	DAY OF	October, 2012
READ A SECOND TIME THIS	3 <sup>rd</sup>	DAY OF	October, 2012
READ A THIRD TIME THIS	3 <sup>rd</sup>	DAY OF	October, 2012
ADOPTED THIS	6 <sup>th</sup>	DAY OF	March, 2013

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Mayor

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Corporate Officer