

DISTRICT OF NEW HAZELTON
BYLAW NO. 109, 1988
PROCEDURES AND APPLICATION FEES

A bylaw to establish procedures and application fees to amend an Official Community Plan or a Zoning Bylaw or to issue a permit Under Part 29 of the Municipal Act.

WHEREAS the Council has adopted and Official Community Plan and Zoning Bylaw:

AND WHEREAS the Council shall, under Section 954 (1) of the Municipal Act, by bylaw establish procedures to amend a plan, bylaw or issue a permit;

AND WHEREAS the Council may under Section 980 of the Municipal Act, designate the form of permits issued and require that the applicant of the permit provide security;

AND WHEREAS the Council may, under Section 988 of the Municipal Act, by bylaw impose application fees for bylaw amendments or permits;

NOW THEREFORE the Council of the District of New Hazelton in open meeting assembled HEREBY ENACTS AS FOLLOWS:

Title

1. This bylaw may be cited for all purposes as the District of New Hazelton Development Approval Procedures Bylaw No. 109, 198

Scope

2. This bylaw shall apply to the following:
 - (1) Amendments to:
 - (a) an official community plan;
 - (b) a zoning bylaw
 - (2) Issuance of:
 - (a) development variance permits

Application

3. (1) Applications for an amendment or a permit shall be made by the owner of the land involved or by a person authorized in writing by the owner.

- (2) Applications for an amendment to the Official Community Plan or Zoning Bylaw shall be made to the Clerk/Treasurer of the District on the form attached hereto and marked as Schedule “A”;
- (3) Applications for a Development Variance Permit shall be made to the Clerk/Treasurer;

Fee

4. At the time of application for an amendment or a permit, the applicant shall pay to the District an application fee in the amount as set out in Schedule “C” of this bylaw.

Process

5. Upon receipt of an application under Section 3 and payment of the applicable fee under Section 4, the Clerk/Treasurer of the District shall present a report will contain a copy of the application; and may:
 - (a) contain a copy of the proposed amendment bylaw or proposed permit and recommendations;
 - (b) specify whether or not the approval of the Minister of Transportation and Highways under Section 57 (2) of the Highway Act or Section 979 (1) of the municipal Act is required;
 - (c) state the proposed security to be posted by the permittee if any; and
 - (d) additional relevant information.

Amendments – Approval or Refusal

6. The Council shall, upon receipt of a report under Section 5 in respect of an application under Section 3(2) proceed with an amendment bylaw, or reject the application.

Permits- Issuance or Refusal

7. The Council shall, upon receipt of a report under Section 5 in respect of an application under Section 3(3):
 - (a) authorize the issuance of the permit; or
 - (b) refuse to authorize the issuance of the permit.

Form of Permits

- 8. (1) A development Variance Permit application approved by the Council shall be issued by the Clerk/Treasurer of the District on the applicable form attached hereto as Schedule "D".

Re-Application

- (c) Subject to Section 954 (3) of the Municipal Act, re-application for an amendment or permit that has been refused by the Council shall not be considered within a 6 (six) month period immediately following the date of refusal.

Read a First time this	27 th	day of	September, 1988
Read a Second time this	27 th	day of	September, 1988
Read a Third time this	27 th	day of	September, 1988
Reconsidered, and adopted this	18th	day of	October, 1988

Clerk/Treasurer

Mayor

- 12. Explain purpose of application (including intended use) _____

- 13. Current Use of Property _____
- 14. Attached is application fee of \$200.00 (Both amendments for \$400.00)
- 15. Attached is current, date-stamped State of Title Certificate _____
- 16. Attached is Letter of Consent from the Owner _____
(applies only if the applicant is not the owner)

I/WE HEREBY DECLARE THAT ALL THE ABOVE STATEMENTS AND THE INFORMATION CONTAINED IN THE MATERIAL SUBMITTED IN SUPPORT OF THIS APPLICATION ARE TO THE BEST OF MY/OUR BELIEF TRUE AND CORRECT IN ALL RESPECTS.

Dated this _____ day of _____, 2005

Signature of Applicant

Print Name of Applicant

SCHEDULE "B"

DISTRICT OF NEW HAZELTON
APPLICATION FOR DEVELOPMENT VARIANCE PERMIT

No. _____

I/We hereby make application for a Development Variance Permit

- 1. Name of Applicant(s) _____
- 2. Address _____
- 3. Telephone No. Business _____ Residence _____
- 4. Name of Owner(s) _____
(If different from applicant)
- 5. Address _____
- 6. Legal Description of Property _____

- 7. Street Address of Property _____
- 8. Official Community Plan Map Designation _____
- 9. Present Zoning _____

10. The Development Variance(s) requested vary the provisions of the following District of New Hazelton Bylaw(s):

<u>District Bylaw</u>	<u>Variance Requested</u>	<u>Appropriate Sections</u>
Zoning	_____	_____
Subdivision Servicing	_____	_____

11. Detailed Description of Requested Variance: (Site Plan Attached)

Note: Section 974(3) of the Municipal Act states that “a development variance permit shall not vary:

- (a) the use or density of land from that specified in the bylaw, or
- (b) a flood plain specification under section 969(2)”.

12. Current Use of Property _____

13. Attached is Application Fee of \$50.00.

14. Attached is current, date-stamped State of Title Certificate _____

15. Attached is Letter of Consent from the Owner _____
(applies only if the applicant is not the owner)

I/WE HEREBY DECLARE THAT ALL THE ABOVE STATEMENTS AND THE INFORMATION CONTAINED IN THE MATERIAL SUBMITTED IN SUPPORT OF THIS APPLICATION ARE TO THE BEST OF MY/OUR BELIEF TRUE AND CORRECT IN ALL RESPECTS.

Dated this _____ day of _____, 2005.

Signature of Applicant

(print name of applicant)

SCHEDULE "C"

DISTRICT OF NEW HAZELTON
APPLICATION FEES

1. Official Community Plan amendment	\$ 200.00
2. Zoning Bylaw amendment	\$ 200.00
3. Both Official Community Plan and Zoning Bylaw amendment	\$ 400.00
4. Development variance permit	\$ 50.00

SCHEDULE 'D'

DISTRICT OF NEW HAZELTON
DEVELOPMENT VARIANCE PERMIT

To: _____ (Permittee)

Address: _____

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the District 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 District described below, and any and all buildings, structures and other development thereon:

Legal Description of Property _____

3. The Zoning Bylaw is varied or supplemented as follows:
(Insert the variations as permitted by Section 974 of the Municipal Act.)

4. The Subdivision Servicing Bylaw is varied or supplemented as follows:
(Insert the variations as permitted by Section 974 of the Municipal Act.)

5. If the Permittee does not subsequently commence the development permitted by this Permit within two years after the date it is issued, this Permit shall lapse.
6. This Permit is not a Building Permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL THE _____ DAY OF _____, 1988
APPROVED BY THE MINISTER OF TRANSPORTATION AND HIGHWAYS ON THE _____ DAY
OF _____, 1988. (IF APPLICABLE)

Issued this _____ day of _____, 1988

Clerk/Treasurer

Notes: Section 974(2) of the Municipal Act states that "The provisions of a development variance permit prevail over any provision of the bylaw in the event of conflict".
Section 980 (5) of the Municipal Act states that "...the land shall be developed strictly in accordance with the permit or permits issued".