

**DEVELOPMENT APPROVAL
PROCEDURES BYLAW, 2003**

NO. 2562

**CONSOLIDATED FOR CONVENIENCE
NOVEMBER 28, 2008**

**In case of discrepancy, the original Bylaw
or amending Bylaws must be consulted.**

Consolidates Amendments authorized by:

- Amendment Bylaw (No. 1), 2004, No. 2601
- Amendment Bylaw (No. 2), 2007, No. 2666
- Amendment Bylaw (No. 3), 2008, No. 2695

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2562

A Bylaw to establish a procedure for the review of applications for Rezoning, Development Permits, Development Variance Permits and amendments to the Official Community Plan.

WHEREAS Council has adopted an Official Community Plan and a Zoning Bylaw:

AND WHEREAS Council has designated areas in the Official Community Plan within which Development Permits are required;

AND WHEREAS Council shall, pursuant to Section 895 of the *Local Government Act*, by bylaw, establish procedures to amend a plan, or bylaw or issue a permit;

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows;

TITLE

1. This Bylaw may be cited as the "DEVELOPMENT APPROVAL PROCEDURES BYLAW, 2003, NO. 2562".

PURPOSE

2. Pursuant to Section 895 of the *Local Government Act*, this bylaw defines the procedures under which an owner of land may apply for an amendment to an official community plan, zoning bylaw or for the issuance of a development permit or development variance permit.

SCOPE

3. This Bylaw shall apply to the following:
 - (a) Amendments to:
 - (i) the Official community Plan;
 - (ii) the Zoning Bylaw.
 - (b) Issuance of:
 - (i) Development Variance Permits;
 - (ii) Development Permits.

APPLICATIONS

4. Applications for an amendment or a permit listed above shall be made by the owner of the land involved, or by a person authorized in writing by the owner.

5. Applications for bylaw amendments or permits shall be made to the Director of Development and Engineering Services or designated official of the Corporation of the Township of Esquimalt on the appropriate application form.

In support of an application the applicant or his agent shall provide the following:

- (a) for an amendment to the Official Community Plan and/or Zoning Bylaw:
- (i) Site plan drawn to scale [metric] and showing the size and location of all proposed buildings and structures and trees protected by the Municipal Tree Cutting Bylaw;
 - (ii) Building summary listing the site area, number of dwelling units, floor area ratio, site coverage and number of parking spaces proposed for the site;
 - (iii) State of Title Certificate for the property under application;
 - (iv) A typed statement or brief explaining the proposal and outlining the rationale behind it;
 - (v) For applications involving 15 or more dwelling units, a three dimensional scale model showing the massing, finished size and siting of the proposed development and its relationship to buildings on adjacent parcels.
- (b) for the issuance of a Development Permit:
- (i) Site plan drawn to scale [metric] and identifying geodetic elevations [metric] at all corners of all buildings and indicating the dimensions from the foundation walls to the property lines;
 - (ii) Landscape plan showing details as specified in 5(c); **(amended by Bylaw 2666, 2007)**
 - (iii) Architectural plans showing the dimension of all structures, basic floor plans and typical unit plans plus elevations of each face of each structure;
 - (iv) Architectural rendering of the project plus colour boards with samples of exterior finishing materials;
 - (v) Building summary listing the site area, number of dwelling units, floor area ratio, site coverage and number of parking spaces proposed for the site;
 - (vi) State of Title Certificate for the property under application.

(c) **Landscape Requirements:**
(amended by Bylaw 2666, 2007)

(i) In this bylaw:

Landscape Architect – means a Landscape Architect registered in British Columbia under the Architects' (Landscape) Act.

Landscape Professional – means a Landscape Architect, Arborist, Landscape Designer, or contractor with local knowledge and experience in implementing a landscape plan.

(ii) The landscape plan must be prepared by a Landscape Architect and submitted in conjunction with Development Permit applications for multi-family residential, commercial or industrial developments.

(iii) Where the development is for a two-unit dwelling or zoned a comprehensive development district for residential development the landscape plan may be designed by a landscape professional.

(iv) The landscape plan shall contain:

- General information: date, scale, north arrow, consultant information (address, telephone number); project name, civic address; legal description.
- Plant list using common and botanical names, specifying the quantity and size of each plant species as per British Columbia Society of Landscape Architects/B.C. Nursery Trades Association (BCSLA/BCNTA) landscape standard. Wherever possible, preference will be given to the use of drought resistant native plants.
- Type and location of existing trees and vegetation to be retained.
- Location and protection method proposed for vegetation and trees to be retained.
- Natural features to be retained.
- Areas to be replanted.
- Treatment of surface areas for driveways, parking spaces sidewalks, walkways, patios and/or boulevards.

(d) for the issuance of a Development Variance Permit:

(i) Site plan drawn to scale [metric] and identifying geodetic elevations [metric] at all corners of all buildings and indicating the dimensions from the foundation walls of the proposed structure to the property lines;

(ii) Architectural drawings showing construction details of that portion to the structure requiring a variance;

(iii) State of Title Certificate for the property under application.

FEES

6. At the time of submitting an application for an amendment or permit, the applicant shall pay to the Corporation of the Township of Esquimalt an application fee in the amount prescribed in Bylaw No. 2203. An application will not be considered complete unless accompanied by the appropriate fee.

APPLICANT'S DUTIES

7. If the proposed amendment, at the time of the application, involves an increase in residential density, the applicant shall adhere to the current neighbourhood involvement procedures set out in Council Policy.

REPORTS

8. A copy of any staff report shall be made available to the applicant or his agent after the meeting agenda has been circulated and prior to the meeting at which their application is being considered.
9. Applications will be circulated to the appropriate Commission and Committee before being presented to Council.

CONSIDERATION BY COUNCIL

10. Recommendations of the Advisory Planning Commission and a staff report shall be forwarded to the next scheduled meeting of the Council Committee for consideration.
11. The recommendation of the Council Committee shall be forwarded to Council along with the recommendation of the Advisory Planning Commission and staff report.
12. The Committee may, at its option, instruct staff to prepare an amending bylaw or permit prior to consideration by Council.
13. The applicant shall be given an opportunity to address Council, outline their proposal, and answer questions.
14. Council will consider the application and may choose one of the following options:
 - (a) authorize staff to prepare the bylaws necessary to amend the Official Community Plan or Zoning Bylaw or prepare the Development Variance Permit or Development Permit;
 - (b) grant an approval in principle or postpone further consideration of the application to allow the applicant to make changes to the proposal or provide additional information or commitments;
 - (c) deny the application.

PUBLIC NOTICE**Official Community Plan and Zoning Bylaw Amendments**

15. Once a bylaw for the amendment to the Official Community Plan or Zoning Bylaw has received first and second reading, notification of the Public Hearing will be provided as follows:
 - (a) At least ten [10] days before the holding of a Public Hearing, the Corporation of the Township of Esquimalt shall cause notice thereof to be mailed or otherwise delivered to the owner or tenants in occupation of the property which is the subject of the application and all owners and tenants in occupation of all real property located within a distance of 45 metres [148 feet] from the area that is subject to application.
 - (b) the Notice of Public Hearing shall state:
 - (i) the time and date of the hearing;
 - (ii) the place of the hearing;
 - (iii) in general terms, the purpose of the bylaw;
 - (iv) the land or lands that are the subject of the bylaw, and
 - (v) the place where, and the days and hours during which, a copy of the proposed bylaw and all background information may be inspected.
16. Section 15 does not apply if ten [10] or more parcels owned by ten [10] or more persons are the subject of the application.
17. Once an application for rezoning or an official community plan amendment has been received and the date on which it will be considered by the Advisory Planning Commission is known, the applicant is then required to post a sign on the parcel which is the subject of the application in accordance with the following: **(amended by Bylaw 2601, 2004)**
 - (a) the signs shall be placed at the front of the front property line of the subject property and in cases where the property fronts onto more than one street, a sign shall be posted on each frontage;
 - (b) in cases where the frontage of the property is in excess of 50 metres [164 feet] in length, one sign per 50 metres [164] shall be erected;
 - (c) the signs erected shall be those provided by the Township of Esquimalt for such purposes;
 - (d) the sign shall be placed on a post a minimum of one [1] metre [3 feet] above the ground and no higher than two [2] metres [6 feet] above the ground;

- (e) the applicant shall maintain the sign in good repair and shall replace defaced or stolen signs for the duration of the notification period;
 - (f) **(amended by Bylaw 2601, 2004)**
 - (g) the applicant shall remove the sign from the property immediately following Council's decision to approve or deny the application.
18. If signs are not displayed in accordance with Section 17 above, Council may consider cancelling the Public Hearing pending the display of the required signage with the cost of cancellation, if applicable, being borne by the applicant.

Development Variance Permit

- (amended by Bylaw 2695, 2008)**
19. Before issuing a Development Variance Permit, pursuant to Section 922 of the Local Government Act, the Corporation shall cause notice thereof to be mailed or otherwise delivered to the owners and tenants in occupation of all real property within a distance of fifty [50] metres [164 feet] from the area that is subject to such a Development Variance Permit.
20. Such notices shall be mailed otherwise delivered at least ten [10] days before the date on which Council intends to render its decision and shall state:
- (a) the purpose of the permit;
 - (b) the land or lands that are the subject of the permit and
 - (c) the place where, and the days and hours during which, a copy of the permit may be inspected.
21. Persons wishing to make representations to Council may do so, in writing, up to the close of office hours on the day on which Council intends to render its decision. At the Council meeting, the public may be invited by Council to comment on the application.

Development Permit

22. Where a Development Permit requires a variance to a bylaw, the notification procedure shall be the same as for a Development Variance Permit.
- (amended by Bylaw 2695, 2008)**
- 22.1 Where approval of a Development Permit would increase the footprint of an existing Two Family Residential building, convert a Single Family Residential building to a Two Family Residential building with a larger footprint, or create a new Two Family Residential building, the notification procedure shall be the same as for a Development Variance Permit."
23. Where a Development Permit is only required to authorize the establishment or replacement of a single sign in a commercial, industrial or multi-family zone, the

application shall be forwarded, with a staff report and recommendation, directly to Council for a decision.

(amended by Bylaw 2666, 2007)

24. As part of the Development Permit approval process prior to acceptance of the landscape security deposit, a written estimate of the total costs of work is to be supplied by the landscape professional. This should include materials, soil, fencing, irrigation systems and other details appropriate.
25. The owner shall prior to the issuance of a Building Permit submit a deposit in the form of an irrevocable Letter of Credit satisfactory to the Finance Department of the Township of Esquimalt representing 125% of the estimated cost as provided by the landscape professional and accepted by the Director of Development Services.
26. The security may be reduced proportionately as the area of the site are completed and accepted by the Director of Development Services.
27. Upon completion of the landscape construction and planting, the municipality may withhold ten percent (10%) of the security for one growing season unless the applicant has provided the municipality with warranties covering soft and hard landscaping of the same period.

PUBLIC HEARING

28. A Public Hearing, in accordance with Section 890 of the *Local Government Act*, will be held to allow those persons who feel that their interests may be affected by the proposed bylaw amendment to make representations to Council.
29. At the Public Hearing, the applicant or their agent shall be given an opportunity to make a presentation respecting the application. The applicant or their agent may also be available to answer questions from Councillors or members of the public pertaining to the details of the application.

PROCEDURE AFTER A PUBLIC HEARING

30. After the close of a Public Hearing, Council may choose one of the following options respecting an amending bylaw:
 - (a) give third reading and adopt the Bylaw;
 - (b) abandon the Bylaw or defeat it at third reading;
 - (c) give third reading to the amending Bylaw with the proviso that specified actions, reports or other requirements be completed or secured prior to Council's consideration of adoption of the Bylaw;
 - (d) delay third reading and adoption of the Bylaw until the next Council meeting in order to consider the issues before rendering a decision.

PERMIT ISSUANCE OR REFUSAL

- 31. Council may in the case of an application for a Development Permit or a Development Variance Permit:
 - (a) authorize the issuance of the Permit;
 - (b) authorize the issuance of the proposed Permit as amended by Council in its resolution;
 - (c) postpone the issuance of a permit pending clarification of details, receipt of staff reports, or completion of other commitments.

REFUSAL

- 32. Where an application, for an amendment bylaw or the issuance of a permit, has been refused by Council, the Corporate Administrator or designated official shall notify the applicant in writing within fifteen [15] days immediately following the date of refusal.

RE-APPLICATON

- 33. Re-application will not be accepted within six [6] months of the date of refusal by the Municipal Council, except that this time limit may be varied by an affirmative vote of at least two-thirds [2/3] of the members of Council eligible to vote on the re-application.

FORMS AND SCHEDULES

- 34. Schedules "A", "B", and "C", attached to and forming part of this Bylaw, generally outline the flow of processes required for development applications that are the subject of this Bylaw.

REPEAL

- 35. The "Development Approval Procedures Bylaw, 1997, No. 2273", of the Corporation of the Township of Esquimalt, and amendments thereto, are hereby repealed, and replaced by this Bylaw.

READ a first time by the Municipal Council on the 15th day of September, 2003.

READ a second time by the Municipal Council on the 15th day of September, 2003.

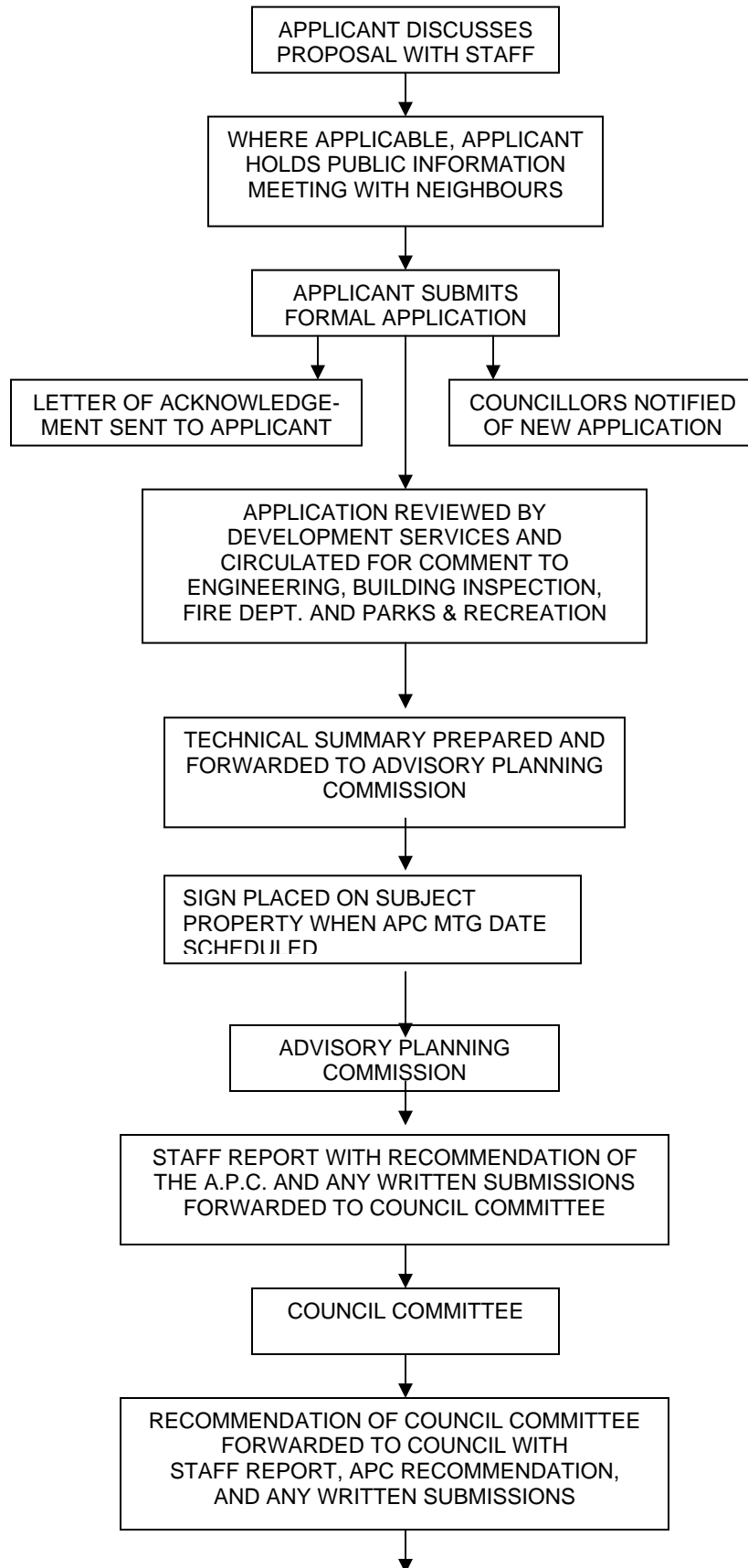
READ a third time by the Municipal Council on the 15th day of September, 2003.

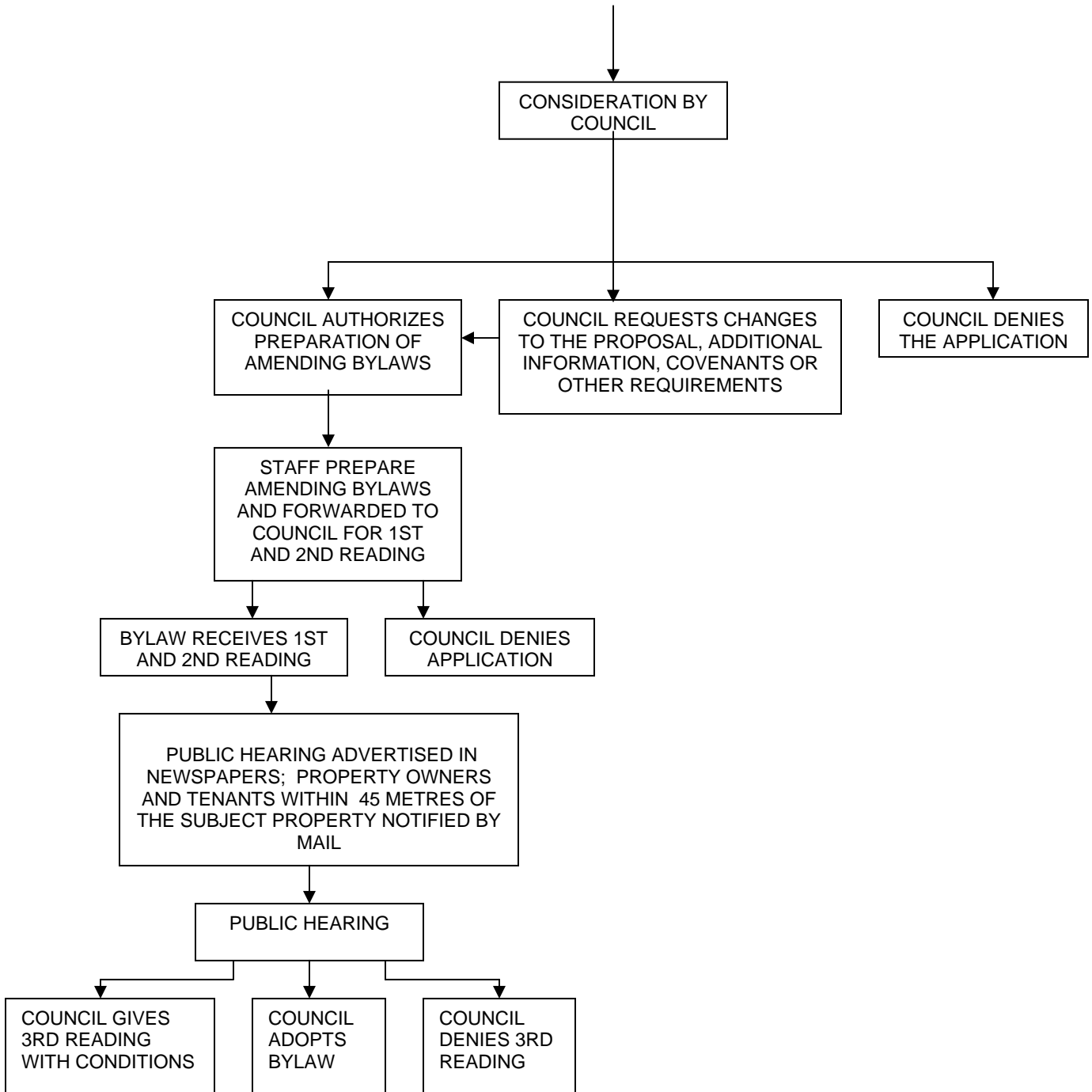
ADOPTED by the Municipal Council on the 6th day of October, 2003.

D. A. ROBINSON
MAYOR

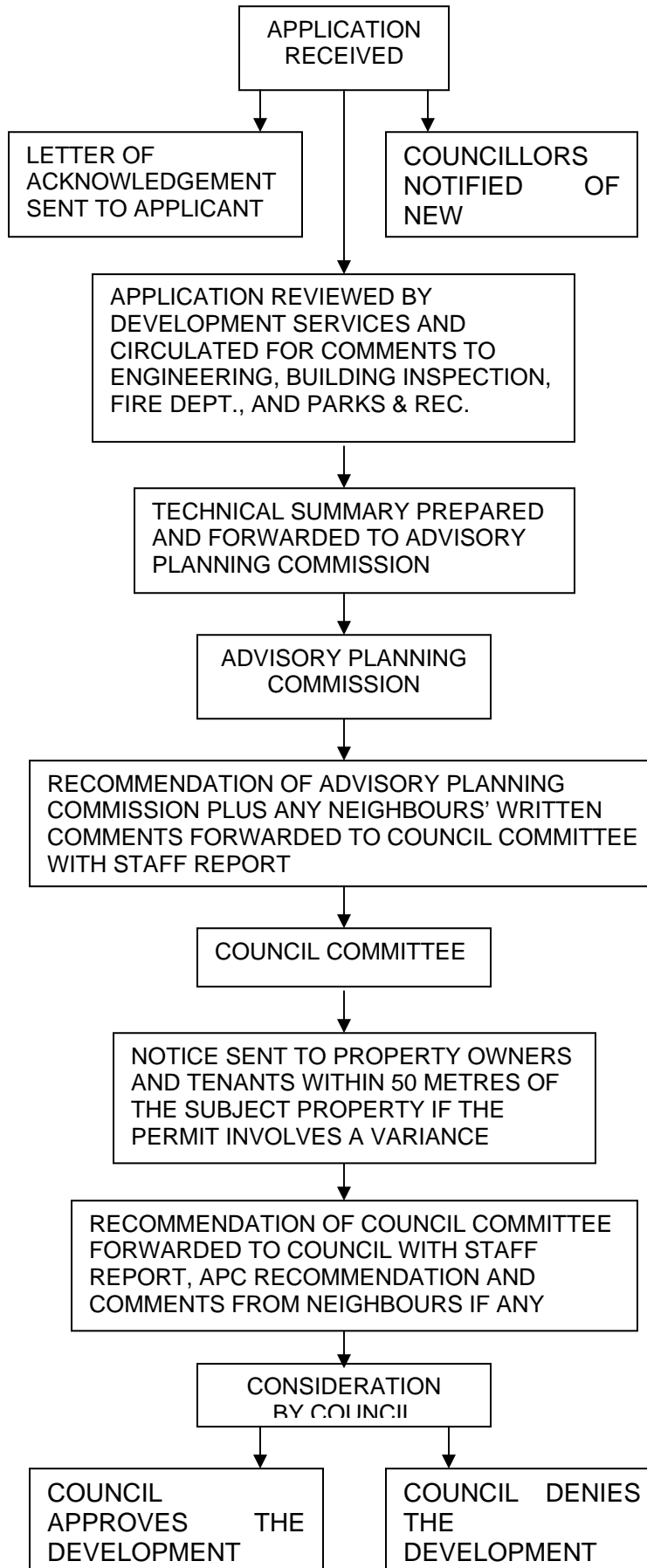
J.P.G. McLUCKIE
CORPORATE ADMINISTRATOR

REZONING AND OFFICIAL COMMUNITY PLAN AMENDMENTS





DEVELOPMENT PERMIT APPLICATION PROCEDURE



DEVELOPMENT VARIANCE APPLICATION PROCEDURE

