THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 8857

TO ESTABLISH APPLICATION PROCEDURES FOR AMENDMENTS TO THE OFFICIAL COMMUNITY PLAN, THE ZONING BYLAW OR A LAND USE CONTRACT OR THE ISSUANCE OF A PERMIT UNDER PART 26 OF THE *LOCAL GOVERNMENT ACT* AND TO PROVIDE FOR NOTIFICATION OF THESE APPLICATIONS

The Municipal Council of The Corporation of the District of Saanich in open meeting assembled enacts as follows:

1. Definitions

In this bylaw, unless the context otherwise requires:

"Amendment", in relation to a Land Use Contract, includes the partial or total discharge of the Land Use Contract.

"Director of Planning" means the Director of Planning for The Corporation of the District of Saanich or his or her designate.

"Municipal Clerk" means the Municipal Clerk for The Corporation of the District of Saanich or his or her designate.

2. Scope

This bylaw applies to an application for:

(a) an amendment to

(i) the Official Community Plan
(ii) the Zoning Bylaw
(iii) a land use contract, or

(b) the issuance of

(i) a development permit
(ii) a development variance permit
(iii) a temporary commercial or industrial use permit.

3. Application Procedure

An application described in Section 2 of this bylaw shall be made to the Director of Planning, and shall be:

(a) signed by the owner(s) of the lands involved or by a person authorized in writing by the owner(s) to act as his or her agent;

(b) made on the application form prescribed by the Director of Planning;

(c) accompanied by the information required by the Director of Planning, such information to include but not be limited to site plans, typical floor plans, elevations, and preliminary landscape plans that identify all existing trees having a caliper of 10 cm or greater and provide contours for the site at an interval not less than 0.6 m; and

(d) accompanied by the appropriate application fee.

4. Application and Advertising Fees

Application and advertising fees shall be paid in accordance with the Land Use and Development Application Fee Bylaw of the said Corporation as amended from time to time.

5. Process

Every application described in Section 2 of this bylaw shall be processed by the Director of Planning who shall present a report to Council for its consideration.

6. Posting Zoning and Land Use Contract Notification Signs

Where an application is submitted to rezone lands or amend a land use contract the applicant shall prepare and post notification signs on the lands involved, and shall:

(a) erect one sign on each street frontage of the proposed development within five weeks of the application being submitted;

(b) prepare and post the signs in accordance with the sign specifications prescribed by the Director of Planning and verify to the Director that the signs have been erected;

(c) maintain and/or replace the signs as necessary; and

(d) remove the signs within one week of the application being refused or approved by the Municipal Council or within one week of the application being withdrawn by the applicant.

7. Environmental and Social Review Process

(a) Every application submitted to rezone lands shall be subject to the Environmental and Social Review process, and shall be evaluated relative to the requirement for completion of an Environmental Overview based on criteria prescribed by Council except that the Director of Planning may use discretion when a parcel is suspected of being environmentally sensitive but does not meet the adopted criteria.

(b) Based on the evaluation in Section 7 (a) of this bylaw, the Director of Planning shall present a report, as necessary, to Council for its consideration as to whether a full, partial or no Environmental and Social Review should be undertaken.

(c) Where Council requires an Environmental and Social Review, the applicant shall undertake the Review at his or her expense based on the Terms of Reference prescribed by the Director of Planning.

(d) The conclusions of an Environmental and Social Review shall be presented to Council by the Director of Planning as part of the report on the application to rezone lands.

8. Advisory Design Panel

(a) Council has established an Advisory Design Panel and Terms of Reference to advise Council on the design merits of plans submitted in support of an application to rezone lands or for the issuance of a development permit.

(b) Plans submitted in support of an application to rezone lands or for the issuance of a development permit, other than for single family or two family dwellings, shall be referred by the Director of Planning to the Advisory Design Panel for review prior to Council consideration.

(c) Plans submitted in support of an application to rezone lands to a two family zone or for the issuance of a development permit for a two family dwelling shall be reviewed by Council at a Public Hearing or Committee of the Whole meeting, as the case may be, however, Council may refer the plans to the Advisory Design Panel for review if not satisfied with the design, provided the land use is acceptable.

(d) Following its review of an application the Advisory Design Panel shall present a report to Council recommending approval or rejection of the proposed design plans and/or development permit, and making any other recommendations or comments it wishes.

9. Council Consideration

(a) Every application for a bylaw amendment under Section 2 (a) of this bylaw shall be considered at a Council or Committee of the Whole meeting at which time Council may;

(i) forward the application to a Public Hearing;
(ii) amend and then forward the application to a Public Hearing; or
(iii) reject the application.

(b) Where an application for a Zoning Bylaw amendment or land use contract amendment necessitates an amendment to the Official Community Plan, both amendments will be considered at the same Public Hearing.

(c) Where an application for a Zoning Bylaw amendment also involves an application for the issuance of a permit under Section 2 (b) of this bylaw the application for the issuance of a permit will be considered at a Public Hearing concurrent with the Zoning Bylaw amendment.

(d) Where an application for the issuance of a permit under Section 2 (b) of this bylaw necessitates an amendment to the Official Community Plan, the application for the issuance of a permit will be considered at a Public Hearing concurrent with the Official Community Plan amendment.

(e) After considering at a Public Hearing an application for an amendment under Section 2 (a) of this bylaw, Council may:

(i) approve the application and adopt the bylaw;
(ii) approve the application and subject to Section 894 (1) (b) of the *Local Government Act*, alter then adopt the bylaw; or
(iii) reject the application and defeat the bylaw.

(f) Final reading of a Zoning Bylaw or Official Community Plan Bylaw may be considered by Council at the Public Hearing at which it was approved providing all outstanding matters pertaining to the bylaw are concluded.

(g) Every application for the issuance of a permit under Section 2 (b) of this bylaw shall be considered at a Council or Committee of the Whole meeting or Public Hearing, as the case may be, at which time Council may:

(i) authorize the issuance of a permit;
(ii) authorize the issuance of a permit as amended by Council in its resolution; or
(iii) refuse to authorize the issuance of a permit.

10. Public Hearing Notification

(a) Subject to Section 892 (4) of the *Local Government Act*, notice of a Public Hearing on a proposed amendment to the Zoning Bylaw to rezone lands or to otherwise alter the use or density of lands or on a proposed amendment to a land use contract shall be mailed or otherwise delivered at least 10 days before the Public Hearing to:

(i) the owners as shown on the assessment roll as at the date of first reading of the bylaw; and

(ii) any tenants in occupation as at the date of the mailing or delivery of the notice,

of:

(iii) all parcels, any part of which is within the area subject to the bylaw amendment; and

(iv) all parcels, any part of which is within a distance of 90 metres from the area that is subject to the bylaw amendment.

(b) Notice of a Public Hearing under Section 10 (a) of this bylaw shall state:

(i) the time, date and place of the Hearing;
(ii) in general terms, the purpose of the proposed bylaw;
(iii) the lands that are the subject of the proposed bylaw;
(iv) the place where and the times and dates when copies of the proposed bylaw may be inspected; and
(v) the notice shall be published in not less than 2 consecutive issues of a newspaper the last publication to appear not less than 3 nor more than 10 days before the Public Hearing.

(c) Notice of a Public Hearing on a proposed amendment to the Official Community Plan shall be mailed or otherwise delivered at least 10 days before the Public Hearing to those owners and occupiers of lands deemed to be directly affected by the proposed bylaw amendment, Saanich Community Associations, and members of the Advisory Group if any.

(d) Notice of a Public Hearing under Section 10 (c) of this bylaw shall state:

(i) the time, date and place of the Hearing;
(ii) in general terms, the purpose of the proposed bylaw;
(iii) where applicable the lands that are the subject of the proposed bylaw;
(iv) the place where and the times and dates when copies of the proposed bylaw may be inspected; and

(v) the notice shall be published in not less than 2 consecutive issues of a newspaper the last publication to appear not less than 3 nor more than 10 days before the Public Hearing.

11. Permit Notification

(a) Notice of a meeting at which Council intends to pass a resolution to issue a permit under Section 2 (b) of this bylaw shall be mailed or otherwise delivered at least 10 days before the meeting to:

(i) the owners as shown on the assessment roll as at the date of application for the permit; and

(ii) any tenants in occupation as at the date of the mailing or delivery of the notice,

of:

(iii) all parcels, any part of which is within the area subject to the proposed permit; and

(iv) all parcels, any part of which is within a distance of 50 metres from the area that is subject to the proposed permit.

(b) Notice of a meeting under Section 11 (a) of this bylaw shall state:

(i) the time, date and place of the meeting;
(ii) in general terms, the purpose of the proposed permit;
(iii) the lands that are the subject of the proposed permit;
(iv) the place where and the times and dates when copies of the proposed permit may be inspected; and
(v) where the notice is for consideration of a temporary commercial or industrial use permit, it shall be published in a newspaper not less than 3 nor more than 14 days before the adoption of the resolution to issue the permit.

(c) Where the issuance of a permit under Section 2 (b) of this bylaw is being considered at a Public Hearing the notice required under Sections 11 (a) and (b) of this bylaw may be incorporated into the Public Hearing notice.

(d) The Council may table an application for a permit under Section 2 (b) of this bylaw or adjourn the meeting and no further notice of the meeting is necessary if the time and place at which the Council will next consider the application is stated to those present at the time the application is tabled or the meeting is adjourned.

12. Reapplication

Subject to Section 895 (3) of the *Local Government Act*, reapplication for a bylaw amendment or the issuance of a permit under Section 2 of this bylaw that has been refused by Council shall not be considered within a six month period immediately following the date of refusal unless an affirmative vote of at least 2/3 members of Council eligible to vote on the reapplication has been passed.

13. Suspension

Any one or more of the procedures in this bylaw, except those that are governed by statutory provisions, may be temporarily suspended by unanimous vote of the Council present.

14. This bylaw repeals "LAND USE AND DEVELOPMENT PROCEDURES BYLAW, 2003, NO. 8449" and amendments thereto.

15. This bylaw may be cited for all purposes as the **"LAND USE AND DEVELOPMENT PROCEDURES BYLAW, 2007, NO. 8857"**.