

**LAND USE AND DEVELOPMENT PROCEDURES BYLAW, 2020, NO. 9650**

**\*CONSOLIDATED FOR CONVENIENCE AND REFERENCE PURPOSES ONLY\***

This consolidated version is not a legal document. For official purposes please refer to the original bylaw and amending bylaw documents.

Includes Bylaw Amendments:

No. 9658, 9774, 9880, 10018, 10019, 10034, 10039.

# THE CORPORATION OF THE DISTRICT OF SAANICH BYLAW

NO. 9650

## 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 14 OF THE *LOCAL GOVERNMENT ACT* AND TO PROVIDE FOR NOTIFICATION OF THESE APPLICATIONS

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

### Definitions

1. 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.

**"Business Day"** means a day other than a Saturday, Sunday or statutory holiday.

**"Council"** means the elected council of the District.

**"Delegated Permit"** means a development permit for which the authority to approve or reject is delegated to the Director of Planning, the Manager of Community Planning or the Manager of Current Planning under the Delegation Authorization Bylaw (Development Permits), 2020, No. 9649.

**"Director of Planning"** means the Director of Planning employed by the District and includes any employee authorized to act on his or her behalf.

**"District"** means the Corporation of the District of Saanich.

**"Manager of Community Planning"** means the Manager of Community Planning employed by the District and includes any employee authorized to act on his or her behalf.

**"Manager of Current Planning"** means the Manager of Current Planning employed by the District and includes any employee authorized to act on behalf of the Manager of Current Planning.

**"Municipal Clerk"** means the Municipal Clerk employed by the District and includes any employee authorized to act on his or her behalf.

## **Scope**

2. 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 use permit.
  - (c) An application to modify or discharge a covenant registered on title to lands to the benefit of the District of Saanich.

## **Application Procedure**

3. Each application described in section 2 of this bylaw shall be made to the Director of Planning, and shall be:
  - (a) signed by the owner of the lands involved or by a person authorized in writing by the owner 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 shall be paid in accordance with the Land Use and Development Application Fee Bylaw of the District as amended from time to time.
5. Every application described in section 2(a) of this bylaw shall be processed by the Director of Planning who shall present a report to Council for its consideration.
6. Every application described in section 2(b) of this bylaw, other than an application for a delegated permit, shall be processed by the Director of Planning who shall present a report to Council for its consideration.
7. Every application for a delegated permit shall be processed by the person to whom authority to issue or refuse the permit has been delegated.

8. The application for a covenant modification or discharge under section 2(c) will be referred to Council, the approving officer, building inspector or the delegated authority for consideration, as required.

### **Posting Zoning and Land Use Contract Notification Signs**

9. 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 provide written confirmation to the satisfaction of 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.

### **Environmental and Social Review Process**

10. 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.
11. Based on the evaluation in section 9 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.
12. 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.
13. 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.

### **Advisory Design Panel**

14. 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.

15. Plans submitted in support of an application to rezone lands or for the issuance of a development permit, other than for single family or houseplex, or Non-Market Housing Developments, as defined in the Zoning Bylaw, shall be referred by the Director of Planning to the Advisory Design Panel for review prior to Council consideration.
16. 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.
17. 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.

### **Council Consideration**

- 17.1 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:
  - a) Forward the application to a Public Hearing;
  - b) Amend and then forward the application to a Public Hearing; or
  - c) Reject the application.
- 17.2 As an exception to section 17.1, when an application for a Zoning Bylaw amendment is consistent with the Official Community Plan, a Public Hearing shall not be held, unless otherwise directed by Council.
18. Where an application for a Zoning Bylaw amendment or land use contract amendment requires an amendment to the Official Community Plan, both amendments will be considered at the same Public Hearing.
19. 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.
20. Where an application for the issuance of a permit under section 2(b) of this bylaw requires 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.
21. After considering at a Public Hearing an application for an amendment under Section 2(a) of this bylaw, Council may:
  - (a) approve the application and adopt the bylaw;
  - (b) approve the application and, subject to Section 470 (1) (b) of the *Local Government Act*, alter and then adopt the bylaw; or

- (c) reject the application and defeat the bylaw.
- 22. 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 conditions relevant to the adoption of the bylaw have been met.
- 23. 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:
  - (a) authorize the issuance of a permit;
  - (b) authorize the issuance of a permit as amended by Council in its resolution; or
  - (c) refuse to authorize the issuance of a permit.

### **Notification**

- 24. 1. 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:
  - (a) The owners as shown on the assessment roll as at the date of first reading of the bylaw; and
  - (b) Any tenants in occupation as at the date of the mailing or delivery of the notice, of:
  - (c) All parcels, any part of which is within the area subject to the bylaw amendment; and
  - (d) All parcels, any part of which is within a distance of 90 metres from the area that is subject to the bylaw amendment.
- 24.2 When a Public Hearing is not required under section 17.2 of this Bylaw, notice of first reading of the proposed bylaw shall be mailed or otherwise delivered at least 10 days before first reading to:
  - (a) The owners, as shown on the assessment role as at the date of the mailing or delivery of the notice; and
  - (b) Any tenants in occupation as at the date of the mailing or delivery of the notice. of:
  - (c) All parcels, any part of which is within the area subject to the bylaw amendment; and

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

25.1 Notice of first reading under section 24.1 of this Bylaw shall state:

- (a) The time, date and place of the Hearing;
- (b) In general terms, the purpose of the proposed bylaw;
- (c) The lands that are the subject of the proposed bylaw;
- (d) The place where and the times and dates when copies of the proposed bylaw may be inspected;
- (e) The notice shall be published in not less than 2 consecutive issues of a newspaper the last publication to appear not less than 3 and not more than 10 days before the Public Hearing.

25.2 Notice of first reading under section 24.2 of this Bylaw shall state:

- (a) The time, date and place of first reading;
- (b) In general terms, the purpose of the proposed bylaw;
- (c) The land or lands that are the subject of the bylaw;
- (d) The place where and the times and dates when copies of the proposed bylaw may be inspected; and
- (e) The notice shall be published in not less than 2 consecutive issues of a newspaper, the last publication to appear not less than 3 and not more than 10 days before the first reading.

## **Permit Notification**

26. 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:

- (a) the owners as shown on the assessment roll as at the date of application for the permit; and
- (b) any tenants in occupation as at the date of the mailing or delivery of the notice,

of:

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

- (d) all parcels, any part of which is within a distance of 50 metres from the area that is subject to the proposed permit.
27. Notice of a meeting under section 28 of this bylaw shall state:
- (a) the time, date and place of the meeting;
  - (b) in general terms, the purpose of the proposed permit;
  - (c) the lands that are the subject of the proposed permit;
  - (d) the place where and the times and dates when copies of the proposed permit may be inspected; and
  - (e) 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 and not more than 14 days before the adoption of the resolution to issue the permit.
28. 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 28 and 29 of this bylaw may be incorporated into the Public Hearing notice.
29. 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.

### **Reapplication**

30. If an application for an amendment to a bylaw or the issuance of a permit under section 2 of this bylaw has been refused, a person must not submit the same application within six months immediately following the date of refusal unless by an affirmative vote of at least 2/3 members of Council eligible to vote on the reapplication Council allows the person to reapply within the six month period.

### **Procedures- Non-Market Housing**

31. An application for a development permit for a Non-Market Housing Development shall be made to the Manager of Community Planning, and shall be:
- (a) signed by the owner of the lands involved or by a person authorized in writing by the owner to act as his or her agent;
  - (b) made on the application form prescribed by the Manager of Community Planning;
  - (c) accompanied by the information required by the Manager of Community Planning, such information to include but not be limited to a site plan, floor plans, elevations, and a landscape plan that includes requirements for trees; and
  - (d) accompanied by the appropriate application fee.



32. The Manager of Community Planning may refer a development permit application for a Non-Market Housing Development to Council for consideration.
33. Plans submitted in support of an application for a development permit for a Non-Market Housing Development may be referred by the Manager of Community Planning to the Advisory Design Panel for review.
34. Following its review of an application, the Advisory Design Panel shall make a recommendation to the Manager of Community Planning for approval or rejection of the proposed plans and may make any other recommendations or comments it considers advisable.

### **Procedures – Agricultural Land Reserve Exclusion Applications**

35. An application for Agricultural Land Reserve (ALR) Exclusion shall be made to the Director of Planning. The application shall be:
  - (a) Signed by the owner of the lands involved or by a person authorized in writing by the owner 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 a Title Search, Site Plan, information on current land use, justification of exclusion request and professional reports (e.g. Agrologists Report); and
  - (d) Accompanied by the appropriate application fee.
36. Applications for exclusion may be referred by the Director of Planning to the Peninsula and Area Agricultural Commission (PAAC), for review. The PAAC shall make a recommendation to the Director of Planning for approval or rejection of the proposed plans and may make any other recommendations or comments it considers advisable.
37. Applications shall be processed by the Director of Planning who shall present a Report to Council for consideration.
38. Council will consider the Report and may pass a resolution to:
  - (a) Reject the application; or
  - (b) support the request proceeding to a Public Hearing.
39. Where Council resolves to forward the application to Public Hearing under section 38(b), the applicant must pay the Public Hearing fee prior to the Public Hearing.
40. After considering at a Public Hearing an application for ALR exclusion, Council may pass a resolution to:
  - (a) submit an exclusion application to the Agricultural Land Commission (ALC); or
  - (b) not submit an exclusion application to the ALC.

41. Where Council resolves to support the submission of an ALR exclusion application under section 40(b) of this Bylaw, the applicant must pay the ALR exclusion application fee prior to Council submitting the Exclusion Application to the ALC.
42. The District of Saanich shall notify the applicant of the ALC decision regarding the ALR exclusion application once a decision by the ALC has been reached.

### **Suspension**

43. 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.

### **Commencement**

44. This Bylaw comes into force on the date of its adoption.

### **Citation**

45. This bylaw may be cited for all purposes as the **"LAND USE AND DEVELOPMENT PROCEDURES BYLAW, 2020, NO. 9650"**.

**Includes Bylaw Amendment No. 9658, 9774, 9880, 10018, 10019, 10034 and 10039.**