

THE CORPORATION OF THE CITY OF DUNCAN

BYLAW NO. 1901

A Bylaw to establish procedures to amend an Official Community Plan or Permit Under the Local Government Act.

WHEREAS the Council of the Corporation of the City of Duncan (hereinafter cited as the "Council") has adopted an Official Community Plan and a Zoning Bylaw;

AND WHEREAS the Council shall, under Part 26 of the Local Government Act of British Columbia, by bylaw, establish procedures to amend a plan, bylaw or issue a permit;

NOW THEREFORE the Council in open meeting assembled, hereby enacts as follows:

1. Title - This bylaw may be cited for all purposes as the "Development Approvals Procedures Bylaw No. 1901, 2000".
2. Scope - This bylaw shall apply to the following:
 - i) Amendments to:
 - a) Official Community Plan
 - b) Zoning Bylaw
 - ii) Issuance of:
 - a) Development Variance Permits
 - b) Development Permits
3. Applications -
 - i) Applications for an amendment or a permit shall be made by the owner of the land involved, or by a person authorized by the owner
 - ii) Applications for amendments or permits shall be made to the City Administrator of the City of Duncan on the applicable form supplied by the City in accordance with the "Land Use Procedures Bylaw No. 1500, 1986".
4. Fees - At the time of the application for an amendment or permit the applicant shall pay, to the City, an application fee in the amount prescribed in the "Fees and Charges Bylaw No. 1759, 1995" and amendments thereto.
5. Staff Duties and Reports - Every application shall be processed by the Building Inspector/Planning Technician of the City who shall present a report to the Council for its consideration. The report shall contain details of the application and of the proposed amendment or permit and any additional relevant information.
6. Public Notice
 - 6.1 Statutory References - The public notice requirements for development applications are prescribed in Part 26 of the Local Government Act.
 - 6.2 Notice Requirements -
 - a) Notice in any case noted in Section 6 when required to be mailed shall be mailed or otherwise delivered to the owners and occupants of parcels located within 60 metres (200 feet) and within the same block of the subject land.
 - b) In addition, the applicant, on those parcels subject to an amendment to an Official Community Plan, Zoning Bylaw, Development Variance Permit and Development Permit must post a sign on the lands, which are the subject of the application, within 10

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days of filing an application, which shall remain in place continuously, until after the development proposal has been dealt with by the Council, in accordance with the requirements stipulated by the City Administrator.

7. Public Hearing - Public Hearings, in the case of applications for amendments to the Official Community Plan and the Zoning Bylaw are governed by the Local Government Act. In the absence of the public, a public hearing may be adjourned after a minimum of 5 minutes.
8. Procedure After Public Hearing - The Council shall, after the public hearing, if any, proceed in accordance with the Local Government Act.
9. Permit - Issuance of Refusal - The Council may, in the case of an application for a development variance permit or development permit:
 - a) authorize the issuance of the permit; or
 - b) authorize the issuance of the proposed permit as amended by the Council in its resolution; or
 - c) table the permit; or
 - d) refuse to authorize the issuance of the permit.
10. Refusal - Amendments and Permits - Where an application, amendment bylaw or permit has been refused by the Council, the City Administrator or Designated Official shall notify the applicant in writing within 15 days immediately following the date of refusal.
11. Reapplication - Subject to the Municipal Act, reapplication for an amendment or permit that has been refused by the Council shall not be considered within a 6-month period immediately following the date of refusal. The time period respecting reapplication may only be varied by an affirmative vote of at least two thirds of the Council members eligible to vote on the reapplication.
12. Severability - If any word, section, subsection, sentence, phrase, or schedule of this bylaw is for any reason held invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that is invalid shall not affect the validity of the remainder of this bylaw.
13. Adoption -

READ THE FIRST TIME on the 26th day of June, 2000.

READ THE SECOND TIME on the 26th day of June, 2000.

READ THE THIRD TIME on the 26th day of June, 2000.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the City of Duncan on the 10th day of July, 2000.

Clerk of the Municipal Council
of the Corporation of the City
of Duncan

Mayor