

# VILLAGE OF BELCARRA

## BYLAW NO. 230, 1995

**Being a Bylaw to establish procedures to amend an Official Community Plan, or a zoning bylaw or to issue a permit under part 29 of the *Municipal Act***

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**WHEREAS** the Council of the Village of Belcarra has adopted an 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;

**NOW THEREFORE BE IT RESOLVED** that the Municipal Council of the Village of Belcarra, in open meeting assembled, hereby enacts as follows:

### **TITLE:**

1. This Bylaw may be cited for all purposes as the "Village of Belcarra Development Approval Procedures Bylaw No. 230, 1995".
2. Therefore, Bylaw No.159, 1990 being the "Village of Belcarra Development Approval Procedures Bylaw" is hereby **REPEALED**.
3. This bylaw shall apply to the following:
  - a) Amendments to:
    - (i) an Official Community Plan, and
    - (ii) a Zoning Bylaw, and
  - b) Issuance of:
    - (i) development variance permits.

### **FEE:**

4. At the time of application to amend an Official Community Plan, Zoning Bylaw or a Development Variance Permit, fees will be determined as outlined in the current "Village of Belcarra Fees Bylaw (as amended)".

**APPLICATION:**

5. a) Applications for an amendment to a bylaw or a permit shall be made by the owner(s) of the land involved or by a person authorized by the owner.
- b) Applications for amendments to a bylaw or permits shall be submitted to the Clerk-Treasurer of the Village of Belcarra on the appropriate applicable form.
- c) In addition to the completed application form, the following must be provided:
  - (i) a Certificate of Title (current within 30 days);
  - (ii) an Application Fee (non-refundable);
  - (iii) an Authorization Form (should the owner of the land have another person act on his/her behalf;
  - (iv) a Letter of Intent;
  - (v) a Site Plan illustrating the proposed variance;
  - (vi) two (2) sets of fully dimensioned floor plans, exterior elevations, and cross sections drawn to scale.

**PROCESS:**

6. a) Every application shall be reviewed by the Building Inspector. If necessary, the application will be referred to the Clerk, Planner, or the appropriate provincial government agency for comments.
- b) The Building Inspector prepares a report to the Council recommending whether or not an Amendment or a Development Variance should be issued, and outlining the conditions or prerequisites that must be met by the applicant. The report shall:
  - (i) contain a copy of the application;
  - (ii) contain a copy of the proposed amendment bylaw or proposed permit;
  - (iii) contain the recommendation of the Clerk-Treasurer and the recommendations of the Advisory Planning Committee, if appropriate;
  - (iv) state the amount of fees collected;
  - (v) state the proposed security to be posted by the permittee, if any, and
  - (vi) additional relevant information.

**AMENDMENTS - APPROVAL OR REFUSAL:**

7. The Council may, upon receipt of the report under section 6 of this bylaw proceed with an amendment bylaw.

**PERMITS - APPLICATION REVIEW:**

8. The council may, upon receipt of the Building Inspector's report under section 6 of this bylaw:
  - a) authorize the Clerk-Treasurer to notify affected property owners of the application ; and  
advise the date of the council meeting at which the application will be formally addressed by Council;
  - b) require that changes be made to the proposal;
  - c) request that additional information be provided; or  
reject the application.

**PERMITS - APPROVAL OR REFUSAL:**

9. The Council may, upon formal review of an application for a Development Variance Permit at a Council meeting, where members of the public are invited to provide comments:
  - a) authorize the issuance of the permit;
  - b) authorize the issuance of the proposed permit should certain prerequisite conditions be satisfied;
  - c) require that changes be made to the proposal;
  - d) request additional information be provided; or  
reject the application.

**ISSUANCE OF PERMIT:**

10.
  - a) The Clerk-Treasurer will issue the Development Variance Permit once all the prerequisite conditions (if any) have been addressed.
  - b) Notification of the Permit will be registered with the Land title Office by the municipality.

**REFUSAL - AMENDMENTS AND PERMITS:**

11. Where an application for an amendment bylaw or a permit has been refused by the Council, the Clerk-Treasurer shall notify the applicant in writing within fifteen (15) days immediately following the date of refusal and shall give reasons for the refusal.

**RE-APPLICATION:**

12. 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 six (6) month period immediately following the date of refusal.

READ A FIRST TIME THIS 26<sup>th</sup> DAY OF JUNE, 1995

READ A SECOND TIME THIS 26<sup>th</sup> DAY OF JUNE, 1995

READ A THIRD TIME THIS 26<sup>th</sup> DAY OF JUNE, 1995

ADOPTED BY THE MUNICIPAL COUNCIL THIS 28<sup>th</sup>, DAY OF JUNE, 1995

**Ralph Drew**  
M A Y O R

**Maira McGregor**  
CLERK-TREASURER